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Message from the President of the United States, in answer to a resolution of the Senate, calling for further information in relation to the formation of a state government in California; and also, in relation to the condition of civil affairs in Oregon

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# M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER TO A

*Resolution of the Senate, calling for further information in relation to the formation of a State Government in California; and also, in relation to the condition of Civil Affairs in Oregon.*

READ MAY 22, 1850.

Ordered to be Printed, May 29.

*To the Senate of the United States:*

I herewith transmit to the Senate, Reports of the several Heads of Departments, to whom were referred the Resolutions of the Senate of the 9th instant, "requesting the President of the United States to "furnish to the Senate copies of all correspondence between any of "the Executive Departments and General Persifer F. Smith and Brigadier General B. Riley, or either of them, relative to affairs in California, which had not been communicated to the Senate, and also all "information existing in any of the Executive Departments respecting "the transactions of the Convention in California, by which the project "of a State Government was prepared, and particularly a copy of the "Journals of said Convention, and of such of the ordinances adopted "by it as may in any way have been communicated to any of the said "Departments; and likewise to inform the Senate, if the surrender of "General Riley to the jurisdiction and civil authority of the Government made by the aforesaid Convention, was by order of the Executive of the United States, and if not, whether the proclamation of "General Riley, recognizing the said State Government and submitting "to its jurisdiction, has received the sanction of the Executive, and also "that he furnish to the Senate whatever intelligence may have been "received in the Executive Department respecting the condition of "civil affairs in the Oregon Territory."

The Reports, with the official correspondence accompanying them, it is believed, embrace all the information in the Departments called for by the Resolutions.

Z. TAYLOR.

WASHINGTON, May 22d, 1850.

DEPARTMENT OF STATE,  
*Washington, 13th May, 1850.*

The Secretary of State, to whom has been referred the Resolutions of the Senate of the 9th instant, has the honor to report to the President the accompanying correspondence with this Department on the subject embraced in the last of said resolutions.

On the 14th day of August, 1848, William P. Bryant was appointed Chief Justice of the Supreme Court of the United States, for the territory of Oregon, and James Turney and Peter H. Burnett were on the same day appointed Associate Justices of said Court. On the 1st day of September, 1848, William A. Hall was appointed Associate in the place of Mr. Turney, who declined the appointment. Mr. Hall resigned on the 22d day of November, 1848. O. C. Pratt was appointed by the President to fill the vacancy. On the 13th day of August, 1849, a letter was received at this Department, from Joseph Lane, Esquire, Governor of Oregon, dated 23d of May, 1849, in which he stated that he had on a former occasion reported that the Hon. Peter H. Burnett declined accepting the office of Associate Justice for the territory of Oregon; and on the 17th day of September, 1849, William Strong, of Ohio, was appointed to fill the vacancy thus occasioned. The distance to Oregon is so great, and communication with it so uncertain, that I have no knowledge that these Judges are in the territory and in the discharge of their duties. The correspondence submitted embraces all the information in this Department asked for by the resolutions, which has not been heretofore transmitted to the Senate.

All which is respectfully submitted.

JOHN M. CLAYTON.

TO HIS EXCELLENCY,

THE PRESIDENT OF THE UNITED STATES.

*List of accompanying papers and documents from the State Department.*

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Report of Secretary of State to the President.

Copy of a letter from Joseph Lane to the Secretary of State, dated March 10th, 1849.

Copy of a letter from same to same, dated April 9th, 1849.

" " " " " " " May 23d, 1849.

" " " " " " " Sept. 22d, 1849.

transmitting his Message,

" " a letter from same to same, " Oct. 31, 1849.

J. M. CLAYTON.

DEPARTMENT OF STATE,  
May 21, 1850.



*Oregon City, March 10th, 1849.*

*To the Hon. the Secretary of State of the United States.*

SIR: I have the honor to inform you that I arrived in this place on the 2d instant, and on the next day took the oath of office, and entered upon the discharge of the duties thereof. I had hoped that by the time I could reach here, the other Territorial officers would, by the line of ocean steamers, which are to run between the United States and the mouth of the Columbia, have arrived; but in this I have been disappointed; the steamers have not yet arrived, and consequently none of the Officers. (Mr. Meek, the Marshal of the Territory, came with me across the country.)

The census is now being taken, as provided for by the Law of Congress, and as soon as the apportionment can be made, an election will be ordered for the purpose of electing a Delegate to Congress, and Members of the Territorial Legislature, which I hope to be able to bring on by the first Monday in June next; but owing to the great excitement occasioned by the gold mines in California, and the desire manifested by all to go and get gold, I am fearful there will be but few left to vote; and there is some reason to fear that it will be difficult to get a Legislature, so unwilling will those be who are qualified, to stay and serve, so great the desire to go to the mines.

With great respect, I am, Sir,

Your most obedient servant,

JOSEPH LANE.

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*Oregon City, Oregon Territory, April 9th, 1849.*

*To the Hon. the Secretary of State of the United States:*

SIR: I respectfully beg leave to make known to you the condition and prospects of the Territory.

As soon as it was known in Oregon that gold in abundance could be obtained in California, many of the people left for the mines. Some have remained there; the most of them, however, have returned to see their families and spend the winter at home, but nearly all who have been there are now going back, and most of those who have not been to the mines are also going. Nearly the entire male population of Oregon will this year be in the California mines. In money, the people have been much benefitted. It is said, and I suppose truly, that at least one million of dollars in gold dust have been brought into Oregon; but on the other hand, the country lately so productive and so capable of producing, and which was rapidly being settled and put in cultivation, is now being neglected. Many are leaving their farms untenanted, many have failed to sow or put in crops of any kind, and many who have sowed will not harvest, consequently there will be but little produce. No improvements are being made—not a house is being put up—fine saw and grist-mills, on never-failing streams, are standing still for want of laborers—a large portion of the horses and oxen are being taken to the mines for sale—labor and subsistence is exorbitantly high. Common labor is five dollars per day, flour ten dollars per barrel, meat in market twenty-five cents per pound, bacon from thirty to fifty cents per pound, butter fifty and eggs fifty cents per dozen. Goods and groceries are scarce and high.

You will readily perceive, that in the event of the arrival of a large emigration this season, there is reason to fear that there will be much suffering for want of provisions and other necessities. You will also perceive, that if the gold fever continues and farming neglected, Oregon, which is the best wheat-growing portion of the continent, and could with little labor be compared with the growing of wheat in the States, furnish the entire Pacific coast with flour, will have to look to the United States for not only flour but provisions of all kinds.

So far as I have been able to see and converse with the Indians, I find them friendly and well disposed; but many of them complain. They say the whites have settled their country, killed their game, brought among them sickness, which has caused many deaths, that they are rapidly passing off and will soon all be gone. That the white people have promised them from year to year and from time to time, that the United States Government would send out a Governor with presents for them, and Commissioners to purchase their lands and pay for them. They are anxious to sell, and the people are exceedingly sensitive on the subject. The exposure of families and property in the absence of the male population, makes it more desirable at this time than at any other since the settlement of the Territory, that they should sell.

The necessity for locating them entirely out of the settlements is obviously very great.

The troops, engaged in the late Cayuse war, with the exception of one company, were disbanded in June last; the others in September, since which time the Indians have made no hostile demonstrations, and I am in hopes will not, before the troops destined for the Oregon service will have arrived, at which time the murderers of Dr. Whitman, lady and others, can be demanded and punished, and then a peace made with them.

From the best information I have been able to obtain from estimates and otherwise, the expenses of the late war with the Cayuses may be set down at about one hundred and ninety thousand dollars, which has borne heavily on many individuals; for instance, the Commissary was compelled to borrow money, which he could only do by giving his obligation to pay, to enable him to purchase subsistence for the army, which obligations are now due, and by him being paid out of his own funds, and without he is speedily remunerated, will be greatly injured in his pecuniary affairs; and the same is the case with many others who, in the emergency, made advances to the Oregon Government.

The justice of the war and the good conduct of the citizens in promptly turning out in defence of the country, entitles them not only to the good opinion of the Government, but to an appropriation by Congress to pay the expenses of the war.

Chief Justice Bryant and Mr. Pritchette, Secretary of the Territory, have arrived and taken the oath of office. Mr. Adair, the Collector, is at Astoria in good time, as the Hudson's Bay Company's ships are expected in soon, and no doubt other vessels will be occasionally coming in. Mr. Pratt writes me from California, that he has received his commission, as one of the Judges of Oregon, and that he will sail for this place in a few days with the view of entering upon the discharge of the duties of his office. Mr. Burnett resides here, but is now in California. He

declines accepting, and has so notified me, and I suppose has so notified the Department at Washington.

I would most respectfully beg leave to suggest in behalf of the officers of the Territory, that they have got here at heavy expenses, and that owing to the high prices of provisions and clothing, they cannot support their families upon the salary fixed by the law of Congress, and I make the same suggestion in behalf of the officers of the army, who may be assigned to duty in Oregon.

The people in Oregon, I am happy to say, are most orderly, intelligent, industrious and good citizens. Upon the subject of the public lands they have long been kept in suspense. They believe that the faith of the Government is virtually pledged to a grant of 640 acres to each settler, who has located, made an improvement and occupied the same.

It gives me much pleasure to state, that I found the channel at the mouth of the Columbia, wider, deeper, more direct and less dangerous than I expected. We carried in four fathoms water. I am of opinion that with a good steam tow-boat, vessels could be towed in and out safely. With such a steamer and the completion of the improvements contemplated by Congress, to wit: the erection of a lighthouse and the anchoring of buoys, the mouth of the Columbia will be made perfectly safe. The appropriation for this purpose, owing to the gold excitement and consequently the difficulty of obtaining labor, except at an exorbitantly high price, will be insufficient.

The census has been taken and the returns made according to the law of Congress, and an election will be held on the first Monday in June next, for the purpose of electing a Delegate to Congress, and for the election of members to the Council and House of Representatives of the Legislature of the Territory.

The total population of the Territory is eight thousand nine hundred and three. Total number of voters, two thousand five hundred and nine. Total foreign population, two hundred and eighty-seven, included in the above estimate.

With great respect, I am, sir, your most obedient servant,  
(Signed) JOSEPH LANE.

*Oregon City, May 23d, 1849.*

*To the Honorable the Secretary of State of the United States:*

SIR: I have the honor to inform you that the Hon. O. C. Pratt, one of the Associate Justices of the Supreme Court of the United States for this Territory, this-day appeared before me, and took the oath of office, prescribed by the law of Congress, and that in pursuance of the Act of Congress organizing the said Territory, I have divided the said Territory into three Judicial Districts, as follows, that is to say: The Counties of Linn, Champoy, Clackamas and Vancouver, will compose the first Judicial District; the Counties of Benton, Polk, Yamhill, Tualty and Clatsop, the second; and the County of Lewis will compose the third Judicial District. And I have assigned to the first Judicial District the Hon. William P. Bryant, Chief Justice of said Court; and to the said second District, I have assigned the Hon. O. C. Pratt, one of the Associate Justices of the said Court.

I had the honor to report on a former occasion, that the Hon. Peter H. Burnett declined accepting the office of Associate Justice, and I have

not been advised that any other person has been appointed to fill the vacancy occasioned thereby. My reason for assigning a single County as the third District, was that as nearly as possible all the Counties in the Territory might have the benefit of the Courts, the law requiring three Districts.

I have the honor to be, sir, with great respect,  
Your most obedient servant,  
JOSEPH LANE.

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*Oregon City, September 22d, 1849.*

*To the Hon. Secretary of State of the United States:*

SIR: I have the honor herewith to transmit the within communication.

With great respect, I remain,  
Your obedient servant,  
JOSEPH LANE.

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## GOVERNOR'S MESSAGE.

*Fellow Citizens of the Council and of the House of Representatives:*

It affords me pleasure to tender you my friendly greetings, on the occasion of your assembling at the seat of Government—for the first time, under the law of Congress “To establish the Territorial Government of Oregon,”—to enter upon the discharge of the important duties to which you have been called by the voices of your constituents.

The task devolves upon me, to propose such measures as have, in the discharge of my official duties, suggested themselves as necessary to promote the interests and welfare of the Territory.

In communicating with you for the first time, it is a source of unfeigned satisfaction, calling for mutual gratulations and devout thanks to a benign Providence, that we are in the enjoyment of general good health and prosperity, and that we are at peace with the numerous tribes of Indians surrounding us.

Widely separated and exposed as are our people, by reason of the great extent of country over which they are scattered, peace and harmony with the natives is of vital importance to the security and success of our settlements. The well-being of the inhabitants of Oregon, no less than the cause of humanity, requires that we should always encourage relations of the most friendly character with our red brethren.

The Cayuse nation remains unpunished for the massacre at Waiilat-pue; but the whole tribe will be held responsible, until those, whoever they may be, concerned in that melancholy and horrible affair, are given up for punishment. A fine regiment of troops, commanded by officers who have distinguished themselves in the service of their country, are *en route* for Oregon, and may be expected to arrive by the middle of September. It will then be in the power of the Government to make this tribe accountable for their wrong doings, and I can assure you that our Government will not suffer the guilty to go unpunished.

A party of the Skeywahmish and Snoqualimick tribes recently made an attack on the Hudson Bay Company's Fort at Nesqually, in which difficulty an American citizen was unfortunately killed. I shall hold

these tribes accountable, until the guilty shall have been punished. It is the intention of the gallant officer in command of the forces now in Oregon, to establish a garrison of one company on Puget's Sound, for the protection of the settlements in that quarter; so that no apprehensions of any further outrage, in that section, need be entertained.

I had the gratification while on a visit to the Dalles of the Columbia, to bring about a peace, at the request of the Chief of the Yackamaws, between that tribe and the Walla Wallas, who were at that time engaged in war. These tribes, as also the tribes that I visited on the Cowlitz and Puget's Sound, I was pleased to find were friendly and well disposed towards us, and as well as the tribes bordering the settlements on the Willamette and Columbia, anxious to sell their possessory rights to the soil. Surrounded as many of the tribes and bands now are, by the whites, whose arts of civilization, by destroying the resources of the Indians, doom them to poverty, want, and crime, the extinguishment of their title by purchase, and the locating them in a district removed from the settlements, is a measure of the most vital importance to them. Indeed, the cause of humanity calls loudly for their removal from causes and influences so fatal to their existence. This measure is one of equal interest to our own people. I would therefore call your attention to the propriety of memorializing Congress upon this interesting subject.

We can recognize in Oregon the material of her future greatness. A climate and soil extraordinarily productive eminently characterize it, the prolific growth of grain, vegetables, and grasses, the natural meadows untouched by the hand of cultivation—sufficiently extensive to furnish subsistence to innumerable herds of cattle, during the entire year—inexhaustible forests of the finest fir and cedar in the world, never-failing streams, which furnish water power of unlimited capacity, show how lavishly nature has bestowed her blessings upon this favored land.

With the proper development of her agricultural resources, and the improvement of her immense water power, she can supply the entire Pacific coast with the most important of the necessities of life, and many of the staple articles of commerce. Her immense resources are gradually but surely being developed. Her mineral wealth at present is not to be computed; gold has been found in several places in sufficient quantity to induce the belief that there are mines, perhaps extensive ones, of this precious metal, within the borders of our Territory; iron, lead, and coal are known to exist, and the indications of their abundance are of the most flattering description.

The Columbia is the only great river on the Pacific slope of our continent, which leads from the ocean to the Rocky Mountains, by which a line of communication can be opened to the great Valley of the Mississippi. The navigation from its mouth to the Cascades, a distance of one hundred and fifty miles, is uninterrupted for vessels of the largest class; these obstructions and those beyond may be surmounted in a considerable degree by canals and locks.

The importance of this immense line of interior communication, cannot fail, ultimately, to secure for it the fostering hand of the General Government.

It is a source of great gratification to know that the entrance of the mouth of the Columbia is much less dangerous than has heretofore been generally supposed. Many vessels, some of them large ships, drawing



from twelve to sixteen feet of water, have during the present year crossed the bar, arriving and departing without the aid of pilots, light-houses or buoys, and not a single accident has occurred to interrupt the facility of navigation during the present year.

It affords me much pleasure to give the subjoined extract of a letter from Capt. Wood, of the United States steamer Massachusetts, as such testimonials will have a tendency to disabuse the public mind, and remove the prejudices unfortunately existing against the mouth of this noble river.

"Having waited until about 4 p. m., and seeing no indications that our signals for a pilot had been observed, I stood in, following the directions I obtained in New-York, of Capt. R. Gelston, who was here last year in the bark 'Whitton,' proceeding safely and without accident to anchorage in Baker's Bay. There was no one on board the ship who had ever been here before. From what I saw, it seems to me, that if the channel was properly buoyed, and there was a competent pilot stationed at the cape to conduct vessels in, that the entrance of the river would lose its horrors, and in ordinary circumstances be considered safe and easily accessible."

Congress has made an appropriation for the erection of light-houses at Cape Disappointment and New Dungeness, and for the construction of buoys, to indicate the channels at the mouth of the Columbia and the approaches to Astoria.

This appropriation, it is to be feared, will be inadequate, in consequence of the high price of labor, occasioned by our proximity to the gold mines of California. I would therefore respectfully advise you to memorialize Congress on the subject, acquainting them with all the circumstances and facts of the case, and showing that the early completion of these contemplated improvements are of vital interest to the Territory.

Puget's Sound is known to be one of the safest and best harbors in the world. It affords fine ship navigation into a beautiful and important portion of our country.

I refrain from dwelling further upon topics so interesting as the features and resources of the country, conscious as I am that my feeble attempt to delineate them is entirely inadequate to do them justice.

I am happy to know that many of our people, who have been to the mines, are returning to their homes and farms, and it is to be hoped are satisfied, and determined to remain and renew their farming and other occupations. The gold excitement occasioned the absence of a large part of our laboring population. Many of them had failed to put in crops; fine farms are lying idle, consequently the crops, this year, will fall short of an average one; but there is no doubt, that with the grain on hand, there will be a sufficient supply for home consumption.

We have good reason to believe that the extraordinary emigration to California, in consequence of her gold mines, will in a short time result in adding largely to our numbers, so that our population, now only about nine thousand, will be doubled in the next twelve months. The healthy climate, rich and beautiful valleys of Oregon, will doubtless induce many of them to seek a permanent home amongst us. She will thus be benefitted by those mines equally with her sister Territory.

It is estimated that upwards of two millions of dollars, in gold dust,

have been brought into Oregon since their discovery. This new element of prosperity, invested in agriculture and other branches of industry, must have a most cheering effect upon the prosperity of the country. It should, however, always be borne in mind, that the wealth of a country does not consist so much in dollars and cents, as in the numbers, virtue, intelligence and patriotism of her population, in cultivated fields, flocks and herds, and those facilities, natural and artificial, which afford an easy and certain market for its surplus productions.

From the best information I have been able to gather, from estimates and otherwise, the expense of the late Cayuse war may be set down at about one hundred and ninety thousand dollars. This indebtedness has borne heavily on many individuals, who advanced money to the Provisional Government; some of whom borrowed money for the purpose of arming and subsisting the troops, and have since paid those sums out of their own funds, by which they have been greatly injured in their private affairs. The justice of the war, and the good conduct of the citizens, in promptly turning out in defence of their country, entitle them not only to the good opinion of Government, but to an appropriation by Congress, sufficient to pay the expense of the war.

It is for you to take such steps as in your wisdom may seem best, to ascertain the exact amount of the expenses of the war, and to whom it is due, and to lay the subject before Congress, with a request that they make the just and proper appropriation.

In regard to donations of land, the people of Oregon have long been kept in suspense. They believe that the faith of the Government is virtually pledged to a grant of land to each settler, who has made a location and improved it.

The immediate attention of Congress should be called to the subject, and their early and favorable action requested.

The necessity of good roads in aiding the settlement, as well as in promoting the present and future prosperity of the country, is too manifest to require illustration. The enactment of laws to this end, and for the making such other improvements as may facilitate intercourse between the different sections of the country, so far as it may be within the ability of the Territory, is earnestly recommended.

A good road, leading from Walla Walla to Puget's Sound, one from Chehalis to some point on the Columbia, and another from the Dalles of the Columbia to the valley of the Willamette, are of the greatest importance to our country, in a military point of view, and will doubtless be so considered by our Government, if their attention in a proper manner is called to the subject.

A matter of the deepest interest to the prosperity of the Territory, will be the establishment of a judicious system to raise revenue. This is no less demanded for the redemption of the plighted faith of the Provisional Government, than it is for raising by a practicable and legal method, sufficient funds, not obtainable from the federal treasury, to meet incidental and necessary expenses of the Territory. While the Home Government contributes, in a liberal spirit, to the maintenance of our temporary existence as a Territory, it is expected that all revenue necessary to the local interest of the several counties, will be supplied by a system of equal assessments, levied upon the people, who are to be



permanently benefitted thereby. Your early attention to this delicate, but necessary duty, is earnestly recommended.

Your immediate attention is most respectfully urged to the examination and remedy of the loose and defective condition of the statute laws declared by the organic act to be operative in the Territory. No others prevail here, except such as were the offspring of the late Provisional Government, which are coupled with an old and imperfect edition of the laws of Iowa, which were adopted by it, only one or two copies of which are to be found in the Territory. Most of these laws are unsuited to our present condition. Besides, they are to a great extent utterly beyond the reach of the body of the people, whose lives and property are to be controlled by authority and rules for their guidance, not to be obtained, or if found, not adapted to the new order of things. Certainly, simplicity and fitness in the statute regulations of any people, united to education and the general diffusion of the laws, constitute the most reliable safeguard against the commission of crime, and the surest pledge of general prosperity. No duty is more arduous or more imperatively demanded by the public interest than that which devolves upon you, in furnishing the people of the Territory with good and wholesome laws. The public good, as well as a just pride in your legislative reputation, call for the application of your best energies and most careful deliberations, to this difficult and laborious task.

I feel it no less my duty, than my highest privilege, to call your attention to the deeply interesting subject of education. The law of Congress provides that when the lands in the Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing them into market, sections numbered sixteen and thirty-six, in each township, shall be reserved for the purpose of being applied to schools. The munificent spirit displayed by Congress, in making so liberal a donation for this purpose, is a ground for grateful acknowledgment, and indicates an enlightened policy, which looks to the general diffusion of knowledge as the surest guarantee for the continuance of good government, and the substantial happiness of our people. In this grant we shall have the means of promoting a system of common schools, for the education of all the children of the Territory. Your attention is invited to the importance of adopting a system of common schools and providing the means of putting them in immediate operation; and when the lands become available, the system may, under wise legislation, be maintained and continued, without bearing onerously upon the people, and ultimately be productive of the end in view when the gift was made. With a system of general education, sustained by such resources, there is no reason to doubt that in the course of a few years, the rising generation of Oregon will proudly vie in respect to useful knowledge and moral culture with that of the older settled portions of our common country.

The organization of the Militia is a measure so identified with the peace, security and defence of our people, that it cannot fail to recommend itself to your early consideration.

Your attention is invited to the act, entitled, "An act to prevent the introduction of fire-arms amongst the Indians." This law not only prevents the introduction of fire-arms, but prohibits the sale of powder and ball to the Indian, thereby depriving him, in a great measure, of the

means of procuring subsistence, and, if strictly enforced, would produce much suffering amongst this unfortunate race of people ; humanity requires that we should afford them every facility that we can safely do, to ameliorate their condition. It is well known that the tribes bordering the settlements are friendly and well disposed towards us, and that there is no danger to be apprehended from them, by placing in their hands the means of procuring sustenance by the chase. I would therefore recommend the repeal of the law, or its modification, so as to discriminate between friends and enemies.

It will be your duty, by enactment, to fix the time, place and manner of holding and conducting elections,—to provide for the apportioning the representation, in the several counties and districts, to the Council and House of Representatives,—to define the qualifications of voters and of holding office, and also to fix the day for the commencement of the regular sessions of the Legislative Assembly.

It will be for you, in your wisdom, to determine, whether you will proceed to locate the seat of government at the present, or some subsequent session of the Legislative Assembly.

In closing this communication, it only remains for me to assure you of my earnest wish for the adoption of such measures as will tend to the general welfare, prosperity and happiness of our people.

JOSEPH LANE.

*Oregon City, July 17th, 1849.*

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EXECUTIVE OFFICE,

*Oregon City, O. T., Oct. 31st, 1849.*

*Hon. John M. Clayton, Secretary of State :*

SIR: In compliance with your instruction, I have the honor to acknowledge the receipt of the "Acts of Congress" of the second session, thirtieth Congress, due the Territory of Oregon.

I am, sir, very respectfully,

Your obedient servant,

JOSEPH LANE.

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WAR DEPARTMENT,

*Washington, May 17th, 1850.*

SIR: I have the honor to acknowledge the reference to this Department of the resolution of the Senate, of the 9th instant, requesting the President "to furnish to the Senate copies of all correspondence between any of the Executive Departments and General Persifer F. Smith and Brigadier-General B. Riley, or either of them, relative to affairs in California, which has not been heretofore communicated to the Senate." Also "all information existing in any of the Executive Departments respecting the transactions of the Convention in California, by which the project of a State Government was prepared—and particularly a copy of the Journals of said Convention, and of such of the ordinances adopted by it as may in any way have been communicated to any of the said Departments." Also to inform the Senate "if the surrender of General Riley to the jurisdiction and civil authority of the Government made by the aforesaid Convention, was by order of the Executive of the United States, and, if not, whether the proclamation of General

"Riley, recognizing the said State Government, and submitting to its jurisdiction, has received the sanction of the Executive." Also "to furnish to the Senate whatever intelligence may have been received in the Executive Department respecting the condition of civil affairs in the Oregon Territory."

The papers herewith submitted contain copies of all correspondence on file, not heretofore communicated to Congress, between this Department and Generals P. F. Smith and Bennet Riley.

This Department has none of the information requested in the second clause of the resolution, except such as may be contained, incidentally, in the correspondence heretofore and now communicated.

All the dispatches of this Department with regard to the surrender of the civil authority exercised by General Riley to the State Government, recently organized in California, are already before the Senate, printed in doc. No. 18.

A report of General Riley, of October 1st, 1849, printed at page 795 of that document, first informed the Department that the convention, which had then nearly concluded its labors, had determined that the new Government should go into operation as soon as possible after the ratification of the Constitution: and announced his intention, in case the people should wish to put the new Government into operation without awaiting the action of Congress, to surrender his civil powers, unless special orders to the contrary should be received from Washington. My reply to this dispatch was written on the 28th of November, (doc. 18, page 265,) and reached General Riley on the 21st of January, more than a month after he had surrendered the civil authority. Anticipating this, my reply was framed in contemplation of the difficulties and embarrassments which would attend the re-assumption of the civil authority by the military officers, as well as in pursuance of the policy recommended and views entertained by you with regard to the necessities under which the people of California were suffering, and the exercises of the right of self government, which had been doubly secured to them.

There is no information in this Department, so far as I am informed, respecting civil affairs in Oregon Territory.

Very respectfully,

Your obedient servant,

GEORGE W. CRAWFORD,

*Secretary of War.*

*To the President of the United States.*

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WAR DEPARTMENT,

*Washington, March 19th, 1850.*

SIR: I transmit herewith copy of a communication from Brevet Brigadier-General Riley, on the subject of transportation furnished to the New-York regiment of volunteers, discharged in California. By a reference to the roll which accompanies that letter, it appears that 256 individuals composing the regiment, including the Colonel and other officers, have been furnished with transportation from California to New-York, under the provisions of the joint resolution of the 16th June, 1848.

Looking to the conditions under which the regiment engaged to serve, and to the instructions from this Department of the 9th of October, 1848,

and subsequently, on the subject of transportation, it is apprehended that the views of the Department in reference thereto have been misconceived. The letter of the Secretary of War, of the 26th June, 1846, to Colonel Stevenson, a copy of which is enclosed, prescribes the conditions on which the regiment was to be received into service—that it was to be “composed of suitable persons—of good habits and of various pursuits, and such as would be likely to desire to remain at the end of the war, either in Oregon or any territory in that region of the globe, which may be then a part of the United States.” It was further to be explicitly understood that they may be discharged without a claim for returning home, wherever they may be serving at the termination of the war, provided it is in the territory of the United States, or may be taken to the nearest or most convenient territory belonging to the United States, and there discharged.

Such were the conditions upon which the regiment was raised, and according to which they were liable to be discharged at the close of the war in California, which, according to the terms of the treaty, became a part of the territory of the United States. Notwithstanding these conditions, and it being understood, after the termination of the war, that many were anxious to return to the United States, the President deemed it proper to offer facilities for returning to those who could not be prevailed on to remain in California; accordingly, the Secretary of War, on the 9th of October, 1848, addressed a letter to Colonel Mason, then commanding in California, stating that “if the navy, now in the Pacific, shall have the means of bringing them home, directions will be given for that purpose.” It is evident from the tenor of that letter, that facilities for their return were to be given by Government vessels, or vessels in the employ of the Quarter Master’s department, returning to the United States, and without expense to the Government. The joint resolution of the 16th June, 1848, under which they claimed to be brought back, had reference to the troops serving in Mexico beyond our territorial limits, and is not recognized as applicable to the case of the volunteers serving in California, a part of the territory of the United States. Besides, most of these volunteers sought to remain in California after the peace, owing to the inducements there offered on account of the discoveries of gold in that country; and they were all discharged from service before it was known there that the joint resolution of the 16th June had been passed by Congress. They were then out of service and could not be brought back to serve under the provisions of that resolution, even if it were construed to apply to them. Under all these circumstances, therefore, the volunteers could have no claim to be brought home at the expense of the Government. The granting them a passage in vessels in Government service, returning to the United States, was merely a gratuity, and to that extent the Department will sanction the transportation already furnished, but no further.

You are desired to make these views known to such of the volunteers as are now remaining in California, to the end that no further misunderstanding may take place on the subject of their claims for transportation.

I enclose copy of a letter to General Riley, dated the 19th ultimo, on the subject of the public reservations in California, and have to require that an examination and report be made of the manner in which the public lands there have been disposed of—in what quantities, for how

long a time, and for what amounts—particularly those in the town and vicinity of San Francisco.

Very respectfully,

Your obedient servant,

GEORGE W. CRAWFORD,

*Secretary of War.*

BREVET MAJOR-GENERAL PERSIFER F. SMITH,

*Com'dg. Pacific Division, San Francisco, California.*

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WAR DEPARTMENT,

*Washington, April 8th, 1850.*

SIR: The Commanding General of the Army has referred to this Department your letters of the 12th and 28th of January, addressed to Army Head Quarters.

You propose that the forces in each Department under your command shall be increased by two companies of Artillery. The demand for troops of this arm in other quarters will prevent, at this time, a compliance with your requisition. On the arrival of Magruder's Company of the first Artillery, now *en route* for California, you will have at your disposal five companies of Artillery, which, it is hoped, will suffice, with the temporary assignment of Infantry companies for that service, until arrangements can be made for a further increase.

Your distribution of the troops appears to be judicious, and has the approval of the Department; yet, it would seem important that the different arms should be distributed according to the features of the country, in order that they may operate to the best advantage. To this end you will be instructed by the Commanding General to exercise a sound discretion in making such disposition of the forces of your command as you may deem best, without regard to the line separating the two departments. With a view also to avoid the confusion which frequently results from a direct correspondence with this Department, orders will be given to Department and Division Commanders to make their communications in future through the channels pointed out by the regulations, except in extraordinary cases, when they may be made direct to this Department, through the Adjutant General.

Your views in relation to the supplies necessary for your division, to be furnished through the Quarter Master's Department, will receive due consideration, at the same time a strict regard will be had to economy and to the present or immediate wants of the service. These considerations cannot be too strongly enjoined upon the officers having the superintendence of such works as may be authorized; and it is hoped that the labor to be performed will, as far as practicable, be supplied by the troops, in order to avoid the heavy expenses incident to the employment of hired mechanics and laborers at the extravagant prices which their services at this time command.

The employment of steamers in lieu of sail vessels on the Pacific coast, however desirable, must be deferred for further consideration. The advantages arising from that description of transports may not be sufficiently great to justify the expenditure consequent upon such a change, independently of the difficulties which would necessarily attend the equipment and management of steamers on that coast at this time.



By the enclosed copy of a communication to General Riley, dated the 28th of November, you will find that your views on the subject of the moneys derived from duties on imports into California, have, to some extent, been anticipated by this Department. It is presumed that General Riley has been governed by the instructions in that letter. Congress having been made acquainted with the subject, will, doubtless, provide for the adjustment of expenditures in carrying on the civil government of the country whilst it was in its anomalous condition.

The report of Major Rucker, enclosed in your letter of the 12th January, will be submitted to Congress, in the hope that suitable appropriations may be made for the relief of emigrants on the route to the Pacific, without which it will be impossible for your command to afford that assistance which the necessities of the case might seem to require.

A difference of opinion exists in respect to the construction of the Act of the 3d March, 1849, requiring the proceeds of sales to be deposited into the Treasury, so far as relates to the further use of the moneys thus deposited. The opinion is understood to prevail at the Treasury, that those proceeds may be drawn out, upon requisitions, for the same objects from which they were derived without a further appropriation by Congress. Should this view be sustained, the inconvenient operation of the law, as referred to by you, will, to some extent, be obviated. The law, as it now exists, is deemed essential in guarding the public funds from too free and indiscriminate a use, and is not likely, therefore, to be amended.

The Department, while it admits the reasonableness of the proposition, regrets that it has not in itself the power to afford relief to the officers serving in California, in regard to certain allowances suggested by you—some of the items of allowances being fixed by law, whilst others are regulated by long established usage, having the force of law, and in accordance with which appropriations are annually made by Congress.

The Quarter-Master's Department will be instructed to furnish you for the use of the Division, with a set of the Statutes at Large, together with copies of the pamphlet laws of the United States, subsequently published.

Very respectfully,

Your obedient servant,

GEORGE W. CRAWFORD,

*Secretary of War.*

MAJOR-GENERAL PERSIFER F. SMITH,

*Com'dg. Pacific Division, Benicia, California.*

# GEN. RILEY'S CIVIL CORRESPONDENCE.

# CALIFORNIA.

1849, DEC. 20. BRVT. BRIGR. GEN. B. RILEY TO ADJT. GEN. JONES.

S. Doc. No. 52—2



EXECUTIVE DEPARTMENT OF CALIFORNIA, }  
*San Jose, Dec. 20th, 1849.* }

*Civil Affairs, No. 5.*

*General:* In accordance with the provisions of the Constitution which was ratified on the 13th of November last, by the almost unanimous vote of the people of this State, I shall this day surrender into the hands of the newly-elected Executive, all my powers as Governor of California. The motives which induce me to pursue this course have been fully set forth in my former dispatches.

The election of Senators and Members of Congress to represent the interests of the new State to the general government, will render it unnecessary for me to make any detailed report on the condition and wants of the country. I cannot, however, refrain from repeating here a few matters of general interest which have already been referred to in my former communications, viz.: the establishment of a mint, the opening of ports of entry south of San Francisco, the construction of light-houses on the coast, the erection of fortifications for the defence of the ports of San Francisco, Monterey and San Diego, the selection of permanent military and naval depots, and the construction of arsenals, public store-houses and barracks, the erection of marine hospitals, and of more commodious buildings for custom-houses, the establishment of new post offices and new post routes, the survey and improvement of the harbors and navigable rivers; and, above all, the immediate passage of laws for the sale of the public lands. All these are measures of the utmost importance for the welfare and prosperity of the new State.

It will be seen from my civil correspondence, (copies of which are sent herewith,) that I have found it absolutely necessary for the safety of vessels entering the bay of San Francisco, to make a small appropriation from the "civil fund" for a partial survey of that bay, and the establishment of buoys on some of the more dangerous rocks and shoals. The cost is but trifling and the work will soon be completed. It is of course of a very limited and temporary character, but will be found sufficient for the security of shipping till the general government can make appropriation for a more general survey, and the construction of works of a more permanent character.

Since the date of my last civil dispatch, the Collector and Deputy Collectors, appointed by the general government for this coast, have arrived and entered upon their duties. The temporary Collectors appointed by my predecessor and by myself, have consequently been discharged, and the collection of revenue by the "Governor of California" for the support of the "existing civil government," has been discontinued. Only a small portion of the revenues collected previous to the arrival of these government agents, has been expended for the support of the civil government of California, but large sums have been loaned to the military departments of the Army on draft drawn by government agents, on the heads of their departments, and these drafts as well as the remainder of the revenue so collected, are still in the hands of the civil treasurer, subject to my orders. In my former communications, I have given my views respecting the nature and character of this "civil fund," and I now repeat it as my deliberate opinion, that the money belongs in justice to California, and ought to be turned over to the new government. Before acting, however, on this question, I deem it my duty to wait for a

reply to my despatch of October 1st, and when the President's wishes are known, I shall dispose of this money as he may see fit to direct; but if the authorities at Washington should, on the receipt of that despatch, decline giving me any instructions respecting this civil fund, I shall deem it my duty to turn it over to the state government, to whom in my opinion it justly belongs.

The accounts of the temporary collectors have not all been received and settled, but it is hoped that they will be ready for transmission in the course of a few weeks.

This communication will be delivered to you by Capt. A. J. Smith, 1st Dragoons, who goes to Washington as bearer of despatches to the President of the United States. He has been ordered, on the delivery of these despatches, to report in person to the Adjutant General of the Army.

Very respectfully your ob't servant,

(Signed) B. RILEY,

Brvt. Brig. Gen. U. S. Army, Governor of California.

Major Gen. R. JONES, Adj. Gen. of the Army, Washington, D. C.

*Know all men by these présents :*

That I, Bennett Riley, Brvt. Brig. Gen. U. S. Army, and Governor of California, by virtue of authority in me vested, do hereby appoint Thos. B. Van Buren, District Attorney for the district of San Joaquin, with a salary of two thousand dollars per annum. This commission will take date from the 1st day of November, 1849.

Given under my hand and seal at Monterey, California, this 31st day of Oct., A. D. 1849.

(Signed) B. RILEY,

Brvt. Brig. Gen. U. S. Army and Governor of California.

(Official.)

H. W. HALLECK, Brvt. Capt. and Secretary of State.

STATE DEPARTMENT OF CALIFORNIA,

Monterey, Oct. 31, 1849.

MAJOR: You are authorized by the governor to pay from the "civil funds" to the municipality of the town of Stockton, the sum of ten thousand dollars (\$10,000) on the following conditions, viz. :

1st. That said municipality give to the treasurer of California proper pledges and security that this money be expended in the erection or purchase of a suitable building or buildings, for a district jail and court-house; and that an equal sum has been raised and appropriated by the said municipality for the same purpose.

2d. That the treasurer of California shall be satisfied that the treasurer of Stockton has given good and sufficient bonds for the safe keeping and proper expenditure of this money.

3d. That none of the money be expended by the town treasury, except on the orders of the town council, signed by its legally constituted officers.

The sum of ten thousand dollars will also be paid over to the municipality of Sacramento city on the same conditions.

Very respectfully your ob't servant,

(Signed) H. W. HALLECK,

Brvt. Capt. and Secretary of State

Major R. ALLEN, Civil Treasurer of California. San Francisco.

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, Oct. 31st, 1849.*

SIR : The governor requests that you will assist Capt. Keyes in the investigation, and defence of the claims of the government to certain lands in and near the town of San Francisco.

Very respectfully your ob't servant,

(Signed) H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

Hon. FREDERICK BILLINGS, *Attorney General, San Francisco, California.*

*To all to whom these presents shall come, greeting :*

I, the undersigned, Brev. Brig. General U. S. Army and governor of California, hereby request all persons to permit safely and freely to pass, J. McHenry Hollingsworth, charged with important despatches to the President of the United States, and in case of need to give him all lawful aid and protection.

Given under my hand and seal at Monterey, California, this 1st day of November, A. D. 1849.

(Signed) B. RILEY,

*Brev. Brig. Gen. U. S. Army, and Governor of California.*

(Official.)

H. W. HALLECK, *Brev. Capt. and Secretary of State.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, October 27, 1849.*

GENTLEMEN : I am directed by the governor to inform you that the resignation of P. H. Burnett as Judge of the Superior Tribunal has been accepted, to take effect on the 1st proximo, and that R. H. Dimmick and R. A. Maupin have been appointed Judges of said Court, in the places of Burnett and Dent.

Very respectfully your ob't servant,

(Signed) H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

MESSRS. CORBARRUNIAS and ORD, Judges of Superior Tribunal, Monterey, California.

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, October 31st, 1849.*

SIR : I have delivered to Don Pablo de la Guerra the sum of five hundred dollars and fifty cents for the ayuntamiento of Santa Barbara, to be expended by that body in the erection and repair of a court-house and jail, as directed in my letter of April 30th to the alcalde of Santa Barbara. You will please acknowledge the receipt of this money, and see that it is expended as directed.

Very respectfully your ob't servant,

(Signed) H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

Don J. CARRILLO, Prefect of Santa Barbara, California.

## STATE DEPARTMENT OF CALIFORNIA,

*Monterey, November 3d, 1849.*

SIR: I am directed by the governor to acknowledge the receipt of your letter asking for certain law books. It would afford the governor great pleasure to supply you with the books referred to if he had them at his disposal. A number of them have been ordered from Mexico, but have not yet been received; but if they should come to hand before the existing government ceases its functions, they will be disposed of in the best manner possible, in order to render them useful to the courts.

Very respectfully your ob't servant,

(Signed) H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

G. D. DICKERSON, Prefect of San Joaquin, Stockton, California.

## STATE DEPARTMENT OF CALIFORNIA,

*Monterey, November 3d, 1849.*

MAJOR: Your letter of the 31st ultimo, asking that the sum of fifty thousand dollars may be loaned from the "civil funds," now in the hands of your agent in this place to Captain Kane as assistant quartermaster, has been laid before the governor, who directs me to reply as follows.

Your are authorized to transfer the sum of fifty thousand dollars from the "civil funds" to the quartermaster's department, taking the proper drafts for the same; but it must be understood that you are to keep in deposit with your agent here not less than forty or fifty thousand dollars of the civil fund, for the purpose of defraying the civil expenses which may accrue at this place. None of the salaries of the civil officers south of this place have been paid, and consequently demands of a considerable amount, which the governor has pledged himself to pay, may at any moment be presented for settlement. Captain Kane reports that he has only about fifty thousand dollars of "civil funds" on hand; it would therefore be improper to transfer that money to the quartermaster's department, and leave the civil government here without the means of defraying its current expenses.

Very respectfully your ob't servant,

(Signed) H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

Major R. ALLEN, Civil Treasurer, San Francisco, California.

## STATE DEPARTMENT OF CALIFORNIA,

*Monterey, November 3d, 1849.*

SIR: I have the honor to enclose herewith the papers referred to in your letter of the 1st instant, and which were left on my table in September last by some person who said they were given to him to bring here, but for what object he knew not. Not knowing what disposition to make of them, I have retained them in my possession till the present time.

No official notice of the trials in San Francisco (referred to in your letter) has ever been received by the governor, and he has therefore taken no action on the subject. What his action may be, if the record

of the Court should be officially brought before him, I cannot say, but no such expenses have heretofore been paid out of the "civil funds."

Very respectfully your ob't servant,

(Signed)

H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

HON. HORACE HAWES, Prefect of San Francisco, California.

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, November 3d, 1849.*

SIR: I am directed by the governor to acknowledge the receipt of your letter of October 14th, complaining of the conduct of the local alcalde at or near your camp. You will see from the abstracts of the existing laws of the country, defining the powers and duties of alcaldes, (a copy of which is inclosed herewith,) that where such officers exceed their powers, they should be complained of to the prefect of the district, or be indicted before the superior tribunal for mal-administration of justice. As there are both a prefect and district attorney in the district of San Joaquin, and as the superior tribunal is completely organized and in the performance of its duties as a court, the governor deems it improper for him to interfere in matters which are assigned by the laws to other officers of the government.

Very respectfully your ob't servant,

(Signed)

H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

P. M. FOLEY, Esq., Stockton, California.

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, November 1st, 1849.*

SIR: In accordance with the recommendation of the superior tribunal, and in order to facilitate the administration of justice, the governor has appointed Don Mariano Malarin a judge of first instance for this district, with exclusive jurisdiction, to date from to-day.

Very respectfully your ob't servant,

(Signed)

H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

HON. DAVID SPENCE, Prefect of Monterey.

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, November 5, 1849.*

SIR: Your letter of the 1st inst. and the enclosed paper have been laid before the Governor, who directs me to reply as follows:

It is not deemed the duty of the executive, but the courts, to decide upon the validity of the decree of March 20, 1847; and while the governor will always hold himself ready to execute the proper decisions of the courts, he cannot take upon himself the decisions of questions which legitimately belong to the judicial department of the government.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

HON. DAVID SPENCE, Prefect of Monterey.



*Know all men by these presents :*

That I, Bennett Riley, Bvt. Brig. Gen. U. S. Army and governor of California, by virtue of authority in me vested, do hereby appoint Fred. W. Moore harbor-master for the port of "New-York of the Pacific"—the fees of office, where not otherwise provided for by law, will be the same as those of the harbor-master of New-York city.

Given at Monterey, California, this 5th day of November, A. D. 1849.

(Signed) B. RILEY,  
Bvt. Brig. Gen. U. S. Army and Governor of California,  
(Official.)  
H. W. HALLECK, Bvt. Capt. and Sec'y of State.

This is to certify that Daniel Wight has satisfactorily proved before me that he served as a volunteer in California a short time during the war with Mexico; that he has resided in this country since May, 1847, and that he is now a resident and freeholder in the district of Monterey. It would thus appear that said Daniel Wight is justly entitled, under the treaty of Guadalupe Hidalgo, to the rights, privileges and immunities of a citizen of the United States.

STATE DEPARTMENT, MONTEREY, CALIFORNIA.  
(Signed) H. W. HALLECK,  
Bvt. Capt. and Sec'y of State.

November 5th, 1849.

SAN FRANCISCO, CALIFORNIA,  
November 14th, 1849.

SIR: I am directed by the governor to acknowledge the receipt of your communication of the 15th and 17th ultimo, asking for the transfer of sixty thousand dollars, for the use of the Navy. The only money at the disposal of the governor is the "civil funds," derived from the proceeds of the customs, previous to the arrival of the United States collector on this coast; and, as it is reported by the civil treasurer, that all of the money which will not be required to pay the expenses of the civil government, will be needed by the quartermaster's department, the governor will not be able to loan any of this fund for the use of the Navy, as requested by you.

Very respectfully,  
Your obedient servant,  
(Signed) H. W. HALLECK,  
Bvt. Capt. and Sec'y of State.

R. M. PRICE,  
Purser U. S. Navy, San Francisco, California.

*Know all men by these presents :*

That I, Bennett Riley, Bvt. Brig. gen. U. S. Army and governor of California, by virtue of authority in me vested, do hereby appoint and commission Hugh O'Donnell a notary public in and for the district of San Francisco, California.

Given under my hand and seal, at Monterey, California, this 16th day of November, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army and Governor of California.*

(Official.)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

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*Know all men by these presents :*

That I, Bennett Riley, bvt. brig. gen. U. S. army and governor of California, by virtue of authority in me vested, do hereby appoint and commission R. A. Wilson judge of first instance, with criminal jurisdiction, in and for the district of Sacramento, vice W. E. Shannon, resigned.

Given under my hand and seal, at Monterey, California, this 16th day of November, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army and Governor of California.*

(Official.)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

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*Know all men by these presents :*

That I, Bennett Riley, bvt. brig. gen. U. S. army and governor of California, by virtue of authority in me vested, do hereby appoint and commission I. Heron Foster a notary public in and for the district of San Francisco, California.

Given under my hand and seal, at Monterey, California, this 16th day of November, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army and Governor of California.*

(Official.)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

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*Know all men by these presents :*

That I, Bennett Riley, bvt. brig. gen. U. S. army and governor of California, by virtue of authority in me vested, do hereby appoint and commission George E. Tyler a notary public in and for the district of San Francisco, California.

Given under my hand and seal, at Monterey, California, this 16th day of November, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army.*

(Official.)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

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*Know all men by these presents :*

That I, Bennett Riley, bvt. brig. gen. U. S. army and governor of California, by virtue of authority in me vested, do hereby appoint and com-



mission William M. Hoffman a notary public in and for the district of San Francisco, California.

Given under my hand and seal, at Monterey, California, this 16th day of November, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army and Governor of California.*

(Official.)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

STATE DEPT. OF CALIFORNIA,

*Monterey, November 16th, 1849.*

SIR: The governor has been pleased to accept your resignation as a Judge of the First Instance, for the district of Sacramento, to take effect upon the qualification of your successor.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Secretary of State.*

HON. W. E. SHANNON,

*Judge of the 1st Instance, Sacramento, California.*

STATE DEPT. OF CALIFORNIA,

*Monterey, November 16th, 1849.*

SIR: I have to acknowledge the receipt of your letter of October 4th. The salaries of all civil officers, north of San José will be paid by Major R. Allan, in San Francisco. I enclose herewith your appointment of John Ferry, as sub-prefect of Sonoma, approved by the governor; only two sub-prefects are allowed for each district.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Secretary of State.*

HON. C. P. WILKINS, *Prefect of Sonoma, California.*

STATE DEPT. OF CALIFORNIA,

*Monterey, November 16th, 1849.*

MAJOR: The governor directs that the sum of ten thousand dollars (\$10,000) be set aside from the civil fund to pay the expenses of establishing buoys at different points in the bay of San Francisco, as directed in my letter of September 22d, to Captain C. Ringgold, a copy of which is enclosed herewith. Captain Ringgold will be allowed the sum of two thousand five hundred dollars for the survey and superintending the construction of the work, instead of two hundred and fifty-dollars per month, as formerly directed. The payments should be made on vouchers certified by Captain Ringgold in the usual form.

By order of the governor.

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Secretary of State.*

Major R. ALLEN, *Civil Treasurer, San Francisco, California.*

## STATE DEPARTMENT OF CALIFORNIA.

I, H. W. Halleck, Brevet Captain, and Secretary of State for California, do hereby certify that J. W. Geary is first alcalde, and a judge of first instance in and for the district of San Francisco, California, duly appointed and authorized to act as such, and that just faith and credit are and ought to be given to his official acts.

Given under my hand and seal of office at Monterey, California, this 16th day of November, A. D. 1849.

(Signed)

H. W. HALLECK,  
*Bvt. Capt. and Secretary of State.*

## CIRCULAR.

STATE DEPT. OF CALIFORNIA,

*November 19th, 1849.*

All accounts against the existing civil government of California should be presented for payment previous to the 1st day of January next. All accounts North of, and including the district of San José, should be presented to Major Allen, at San Francisco, and all South of that district, to Captain Kane, at Monterey.

The salaries of officers authorized by law will be paid on the presentation of the appointments or certificates of election, as the case may be; but all other accounts and charges must receive the approval of the governor before they can be paid.

By order of the Governor,

(Signed)

H. W. HALLECK,  
*Bvt. Capt. and Secretary of State.*

STATE DEPT. OF CALIFORNIA,

*Monterey, November 19th, 1849.*

MAJOR: I enclose herewith a copy of a circular issued this day, respecting the payment of accounts against the civil government. It is the wish of the governor that debts of this government should be paid, and the accounts of the "civil fund," should all be settled by the first day of January next. All moneys belonging to this fund and not required for paying the expenses of the existing civil government, should be turned over to the quartermaster's and commissary's departments, (if required for the services of those departments,) the proper drafts for the same being taken on the heads of those departments in Washington.

By order of the Governor.

(Signed)

H. W. HALLECK,  
*Bvt. Capt. and Secretary of State.*

MAJOR R. ALLEN,

*Civil Treasurer, San Francisco, California.*

STATE DEPT., CALIFORNIA,

*Monterey, November 20th, 1849.*

SIR: Your letter of this date, asking if a military officer can be legally elected a member of an ayuntamiento, has been received, and laid before the governor, who direct me to reply as follows:

In the law of March 20, 1837, it is said that "officers holding appointments under the general government" cannot be members of ayun-

tamiento, and in section 1st of the schedule of the Constitution, it is said that "all laws in force at the time of the adoption of" this Constitution and not inconsistent therewith, "until altered or repealed by the legislature, shall continue as if the same had not been adopted." It is therefore evident that no officer of U. S. Army can now be a member of the ayuntamiento, nor even after the adoption of the Constitution, until the law of March 20th, 1837, shall be repealed or so altered as to remove the prohibition above referred to.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Secretary of State.*

HON. DAVID SPENCE,

*Prefect of Monterey, California.*

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STATE DEPT. OF CALIFORNIA,

*Monterey, November 20th, 1849.*

SIR: Your letter of the 17th, in relation to the election of an ayuntamiento in San Juan Bautisto, has been received and laid before the governor, who directs me to reply as follows:

In the law of March 20, 1837, it is said that "interior towns of 8,000 inhabitants, towns which had ayuntamientos previous to 1808, and those to whom this right is given by special law, shall be entitled to ayuntamientos." San Juan Bautisto has not 8,000 inhabitants, nor had it an ayuntamiento previous to 1808, and the only ground upon which that place can now claim an ayuntamiento is, that such right has been given by special law. But no such law can be found, nor is there, it is believed, any such law in existence. The simple fact that San Juan has been made a *pueblo*, would not entitle it to an ayuntamiento. It is therefore believed that no body of men in that can legally exercise the powers of an ayuntamiento till authorized so to do by the legislature; for all laws in California not inconsistent with the Constitution, laws, and treaties of the United States, or with the Constitution of the State, must continue in force until repealed or altered by the Legislature. Vide section 1 of schedule.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Secretary of State.*

HON. DAVID SPENCE,

*Prefect of Monterey.*

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STATE DEPT. OF CALIFORNIA,

*Monterey, Nov. 20, 1849.*

SIR: Your letter of October 23d was received on the 17th instant. In reply to your question, I have only to remark, that I have never seen in the archives of the government any charter or original plan or survey of the town of Yerba Buena. It is possible that some such papers or plans may exist among the proceedings of the territorial assembly; but I never have seen any, and I now have no time to make such examination as would enable me to say positively that none exist in the

government archives. I know of no reservations for government purposes except those made in the general laws of Mexico, and in the grant of General Kearny of 1847.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Secretary of State.*

T. H. GREEN, Esq.,

*San Francisco, California.*

The foregoing representation is referred to the prefect of the district for his action in the premises.

All public regulations made by the former governors of California and not rescinded are undoubtedly still in force, and it is the duty of the prefects and sub-prefects to see that they are enforced. The prefect of this district will therefore issue the necessary orders to remedy the abuses complained of in the foregoing communication, and, if the charges made against the sub-prefect at San Juan are proved, he should be punished as provided in the laws.

Given at Monterey, California, this 17th day of November, A. D. 1849.

By order of the Governor,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Secretary of State.*

Endorsed on Señor Sanchez's representation to the governor against the sub-prefect of Monterey.

STATE DEPT. OF CALIFORNIA,

*Monterey, November 28th, 1849.*

SIR: Your resignation of the office of judge of 1st instance, of the District of San Joaquin, is accepted by the governor, to take effect on the qualification of your successor.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Secretary of State.*

HON. G. G. BELT,

*Stockton, California.*

*Know all men by these presents :*

That I, Bennet Riley, Bvt. Brig. Gen. U. S. Army, and Governor of California, by virtue of authority in me vested, do hereby appoint James R. Reynolds, judge of the 1st instance, in and for the district of San Joaquin (vice Belt resigned), to date from December 1st, 1849.

Given under my hand and seal at Monterey, California, this 28th day of November, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. A. and Governor of California.*

(Official.)

H. W. HALLECK, *Bvt. Capt. and Secretary of State.*

## STATE DEPARTMENT OF CALIFORNIA,

Monterey, November 28th, 1849.

SIR: Your resignation of the office of judge of 1st instance, of the district of San Jose, is accepted, to take effect on the 30th instant.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

Bvt. Capt. and Secretary of State.

HON. J. T. RICHARDSON,  
San José, California.

*Know all men by these presents:*

That I, Bennett Riley, Bvt. Brig. Gen. U. S. Army, and Governor of California, by virtue of authority in me vested, do hereby appoint Wm. M. Kincaid, judge of 1st instance of the district of San José, (vice Richardson resigned,) to date from the first of December next.

Given under my hand and seal at Monterey, California, this 28th day of November, A. D. 1849.

(Signed)

B. RILEY,

Bvt. Brig. Gen. U. S. Army, and Governor of California.

(Official.)

H. W. HALLECK, Bvt. Capt. and Secretary of State.

## STATE DEPARTMENT OF CALIFORNIA,

Monterey, December 1st, 1849.

SIR: I have the honor to enclose herewith duplicate accounts of D. W. Perley, for certain services rendered, under your direction, at the recent election in San Joaquin district. The governor directs me to say that such accounts are in all cases paid by the districts or towns for which they are rendered, and that he cannot pay them out of the "civil funds" in his hands, without violating a rule established by his predecessor, and which has since been invariably adhered to.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

Bvt. Capt. and Sec'y of State.

HON. G. D. DICKERSON,  
Prefect of San Joaquin, California.

## STATE DEPARTMENT OF CALIFORNIA,

Monterey, December 1st, 1849.

SIR: I am directed by the governor to acknowledge the receipt of your letter of November 7th, and the accompanying papers. The returns of the election of alcalde at your place have been sent to Mr. Dickerson, of Stockton, the prefect of the district, for his approval. The governor cannot give you any further information respecting the

duties and powers of an alcalde, than what is contained in the abstract of the laws, a copy of which was sent you with my letter of Nov. 3d.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,  
*Bvt. Capt. and Sec'y of State.*

P. M. FOLEY, Esq.,

*Willow Bar, (Mukeltemne River),  
San Joaquin District, California.*

*Know all men by these presents:*

That I, Bennett Riley, Bvt. Brig. Gen. U. S. Army and Governor of California, by virtue of authority in me vested, do hereby appoint and commission J. Wing Allen a notary public and commissioner of deeds, in and for the district of Monterey, California.

Given under my hand and seal, at Monterey, California, this 1st day of December, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army and Governor of California.*

(Official.)

H. W. HALLECK, *Bvt. Capt. and Secretary of State.*

*Know all men by these presents:*

That I, Bennett Riley, Bvt. Brig. Gen. U. S. Army and Governor of California, by virtue of authority in me vested, do hereby appoint and commission J. Wing Allen harbor-master of the port of Monterey, California; the fees of office to be the same as those allowed in the port of New-York.

Given under my hand and seal at Monterey, California, this 1st day of December, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army and Governor of California.*

(Official.)

H. W. HALLECK, *Bvt. Capt. and Sec'y of State.*

*Know all men by these presents:*

That I, Bennett Riley, Bvt. Brig. Gen. U. S. Army and Governor of California, by virtue of authority in me vested, do hereby appoint and commission J. B. Marshall a notary public in and for the district of Sacramento.

Given under my hand and seal at Monterey, California, this 1st day of December, 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army and Governor of California.*

(Official.)

H. W. HALLECK, *Bvt. Capt. and Sec'y of State.*

*Know all men by these presents:*

That I, Bennett Riley, Bvt. Brig. Gen. U. S. Army and Governor of California, by virtue of authority in me vested, do hereby appoint B.



Frank Bourne a notary public and commissioner of deeds in and for the district of Sacramento, California.

Given under my hand and seal at Monterey, California, this 1st day of December, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army and Governor of California..*

(Official.)

H. W. HALLECK, *Bvt. Capt. and Sec'y of State.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 1st, 1849.*

SIR: I have the honor to acknowledge the receipt of your letter of November 1st, and to inform you that you are laboring under a mistake in supposing that I wrote you a letter on the part of Col. Mason, promising you the appointment of U. S. surgeon in case of a vacancy. I have, to the best of my recollection, never written you any such letter, and am quite certain that Col. Mason could never have promised you an appointment which it was never in his power to confer on any person. If, however, any such letter was written to you on the part of Col. Mason, it must have been by the assistant adjutant-general of this department, to whom I would refer you for further information.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

DR. A. ANSLER,

*San Louis Obispo, California.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 1st, 1849.*

SIR: I am directed by Governor Riley to acknowledge the receipt of your letter of November 22d, and the enclosed papers. The whole subject of the collection of the revenue has now passed from the hands of the governor to those of the collector of this district, who, of course, must make all the arrangements with respect to the salaries of his officers. The salaries of the subordinate officers of the custom house at San Francisco, previous to the arrival of Mr. Collier, were fixed by Mr. Harrison, subject to the approval of the governor. Gen. Riley will approve of the payment of all reasonable salaries allowed by Mr. Harrison, but cannot authorize the payment of any wages higher than those agreed upon and certified to by him.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

A. KINTZING, JR.,

*San Francisco, California.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 3d, 1849.*

REVEREND SIR: Your letter of November 6th has been laid before the governor, who directs me to say that it would afford him the greatest



pleasure to comply with your request in granting the church of San Buenaventura the vineyard of St. Gertrudis, but that it is not in his power to make any such grants without the authority of law. The Congress of the United States will undoubtedly pass laws, during the present session, with respect to the disposition of the mission lands in California.

I am, sir, your Reverence's

Most obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

Very Reverend Fr.

JL MARIA DE J. GONZALES,

*Santa Barbara, California.*

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STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 3d, 1849.*

SIR: I am directed by the governor to acknowledge the receipt of your letter of November 6th, and to inform you that your letter and all the papers connected with the election held at the "Oregon Bar, November 3d, for alcalde," have been sent to G. D. Dickerson, the prefect of the district, whose duty it is to decide upon the election of all local officers.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

T. P. SEARS, Esq.,

*Care of DOUGLAS & REAMY, Stockton, California.*

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STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 3d, 1849.*

SIR: I am directed by the governor to acknowledge the receipt of your letter of November 24th, and to say to you in reply, that it will not be in his power to make any additional allowance, for your services in the custom house at San Francisco, to the salary fixed upon by the collector of that port. The governor has no means of judging of the character of the services rendered in that establishment, other than the report of the officer charged with the general directions of the customs. He will, however, as he has done heretofore, approve all proper and just payments made by that officer, up to the time of his being relieved by the regular collector.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

J D. CARR.

*Deputy Collector, San Francisco, California.*

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STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 3d, 1849.*

SIR: I have the honor to acknowledge the receipt of your letter of

October 24th, which has been laid before the Governor. It is not in the power of the Executive to decide definitely upon questions of law like that referred to in your letter ; and he therefore can only say in general terms that the laws of California, not inconsistent with the Constitution, treaties and laws of the United States, are still valid in this country, and will continue till repealed by legislative authority. The judicial tribunals must judge for themselves respecting the meaning and character of these laws.

Very respectfully, your ob't servant,  
(Signed) H. W. HALLECK,  
*Brev. Capt. and Secretary of State.*

DON J. CARRILLO, *Prefect of Santa Barbara, California.*

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STATE DEPARTMENT OF CALIFORNIA,  
*Monterey, December 4th, 1849.*

SIR : Your representation of the 30th of November, complaining that some person, not named, had taken possession of lands of which you claim to be the owner, has been laid before the Governor, who directs me to say that your proper course in this case is to appeal from the decision of the Alcalde to the Judges of the Superior Tribunal, who, if satisfied that injustice has been done you, will take the proper measures to secure you in your rightful possession.

Very respectfully, your ob't servant,  
(Signed) H. W. HALLECK,  
*Brev. Capt. and Secretary of State.*

JUAN CRISOSTORUS GALINDO, *Santa Clara, California.*

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This is to certify, that James Doyle has satisfactorily proved before me that he has served as a volunteer in California a short time during the war with Mexico, that he has resided in this country since May, 1847, and that he is now a resident and freeholder in the District of Monterey. It would thus appear that said James Doyle is justly entitled, under the treaty of Guadalupe Hidalgo, to the rights, privileges, or immunities of a citizen of the United States.

STATE DEPARTMENT,  
*Monterey, California, December 4th, 1849.*  
(Signed) H. W. HALLECK,  
*Brev. Capt. and Secretary of State.*

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STATE DEPARTMENT OF CALIFORNIA,  
*Monterey, December 4th, 1849.*

SIR : Your official communication of the 30th of November has been received and laid before the Governor, who directs me to say, in reply, that he has learned with extreme regret that difficulties of a serious nature have occurred between citizens of the pueblo of San José, with respect to titles to lands in and near that town. He is fully aware that many illegal and fraudulent sales of land have been made in the different towns in California, not only in violation of the rights of individuals but also of the Government of the United States.

No tribunal for deciding questions of this kind between individuals and the general government has yet been organized, but it is believed

that the existing courts of California are competent to settle all questions of possession, if not of title, between the individual claimants; and it is hoped that all persons will quietly submit their disputes, where they cannot be amicably arranged, to the decision of such courts. If the local authorities should fail to do justice to any of the parties, the laws provide a remedy in an appeal to the Superior Tribunal, whose decisions it will be the duty of the Executive to enforce. But until such decisions are made, it would be evidently improper for the Governor to interfere any further than might be necessary for the preservation of order.

Let no one fear the ultimate decision of our courts; for whatever may be the temporary action of subordinate authorities, the law will eventually be enforced, and the just rights of individuals vindicated and secured. All legal titles to lands in California given previous to the acquisition of the country by the United States, must be respected and confirmed, for the faith of our government is pledged to that course. There should therefore be no apprehension on the part of the old inhabitants of the country that our government will permit any one to deprive them of their just rights; even if, from the peculiar circumstances of the country at the present moment, the proper tribunals should be unable to act immediately upon all cases of dispute, the Californians may rest assured that full justice will eventually be done them.

Let them calmly await this result, without attempting to take the law in their own hands. The latter course would necessarily involve them in the most serious difficulties.

Very respectfully, your ob't servant,

(Signed) H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

A. M. PICO, *Prefect of San José, California.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 4th, 1849.*

SIR: I am directed by the governor to acknowledge the receipt of your letter of November 16th, 1849, and to say, in reply, that the prefect must decide all questions respecting the election of local officers, subject to an appeal to the governor; but until such appeal is made, the governor must decline to act in the cases referred to in your letter. The prefects also appoint and commission all justices of the peace, submitting such appointments to the governor for his approval.

Very respectfully, your ob't servant,

(Signed) H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

HON. E. O. CROSBY, *Prefect of Sacramento District, Sacramento City, California.*

EXECUTIVE DEPARTMENT OF CALIFORNIA,

*Monterey, December 5th, 1849.*

GENTLEMEN: You are requested to examine the accounts of the late mayor of this port, and report the amount due from the "civil fund."

(Signed) B. RILEY,

*Brev. Brig. Gen. U. S. Army, and Governor of California.*

S. BURTON and Capt. E. K. KANE.

*Know all men by these presents :*

That I, Bennet Riley, Brevet Brig. General of the U. S. Army, and Governor of California, by virtue of authority in me vested, do hereby appoint C. T. Ryland a notary in and for the District of San José, California.

Given under my hand and seal at Monterey, California, this 5th day of December, A. D. 1849.

(Signed)

B. RILEY,

*Brev. Brig. Gen. U. S. Army, and Governor of California.*

(Official.)

H. W. HALLECK, *Brev. Capt. and Secretary of State.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 6th, 1849.*

SIR: I have to acknowledge the receipt of your communication of November 30th, and am directed by the governor to return to you the account of Mr. Gole. General Riley declines to authorize the payment of this, or any other accounts of this description. The election expenses of each district must be paid by the district itself, unless the legislature should otherwise direct.

Very respectfully, your ob't servant,

H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

Lieut. J. H. LENDRUM, *San Francisco, California.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 6th, 1849.*

SIR: I am directed by the governor to say that he has this day received from Capt. Sutter and Mr. Schoolcraft an application to appoint you a notary public in Sacramento City. Having already signified his intention to leave all further appointments of this kind, except in cases of great urgency, to his successor, he cannot with propriety send you a commission. He, however, will turn over the recommendations to the new governor for his action in the premises.

Very respectfully, your ob't servant,

H. W. HALLECK,

*Brev. Capt. and Secretary of State]*

GEORGE S. FAKE, Esq., *Sacramento City, California.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 6th, 1849.*

SIR: The governor requests me to inform you that he has this day received from Captain Stevenson your letter of November 9th, asking for the appointment of notary public for your son-in-law, Joseph H. Brady. If your application had been sooner received, the appointment would have been made; but the governor has already signified to others his intention to make no further appointments of this kind, except in cases where the immediate wants of the public require them. This

course he deems himself bound to pursue in justice to his successor, to whom, in a few days, he will turn over all his authority in civil affairs.

Very respectfully, your ob't servant,

H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

Col. J. L. STEVENSON, *San Francisco, California.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 6th, 1849.*

GENTLEMEN: I am directed by the governor to acknowledge the receipt of your communication of November 29th, and to say, in reply, that the land near the "presidio" has been reserved for military purposes, and that he has no power to make grants of said land to private persons.

Very respectfully, your ob't servant,

H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

MESSRS. CHARLES GRAY, ABRAM P. DE WITT, *San Francisco, California.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 6th, 1849.*

SIR: I am directed by the governor to acknowledge the receipt of your letter of November 30th, asking that a grant of land may be made to Mr. Hurd near the presidio of San Francisco, for agricultural purposes. General Riley has no power whatever to make any grants or sales of public lands, and even if he had any such general power, he could not grant to private individuals lands which have been reserved for government purposes.

Very respectfully, your ob't servant,

H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

BENJAMIN BREWSTER, Esq., *San Francisco, California.*

EXECUTIVE DEPARTMENT OF CALIFORNIA,

*Monterey, December 6th, 1849.*

- Brevet Captain H. W. Halleck, secretary of state, will take charge of the custom-house papers of his brother, J. Halleck, late collector of this port, and settle his accounts with the civil treasurer.

(Signed) B. RILEY,

*Brev. Brig. Gen. U. S. A. and Governor of California.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 6th, 1849.*

SIR: I am directed by the governor to acknowledge the receipt of your letter of November 30th, tendering your resignation of the office of district attorney for the district of San Francisco. As General Riley will in a few days turn over to the new governor all his civil powers, he deems it proper to leave it to his successor to accept your resignation, and to fill the vacancy so created.

Very respectfully, your obedient servant,

H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

H. McALLISTER, Esq., *San Francisco, California.*

## STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 6th, 1849.*

SIR: I am directed by the governor to acknowledge the receipt of your letter of November 28th, and to say, in reply, that he can neither authorize Mr. Pratt to act as notary public in your "stead," nor give him the appointment of "notary pro tem." during your "contemplated absence," as such a course would, in the governor's opinion, be both irregular and illegal.

Very respectfully, your obedient servant,

H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

THEODORE GRISWOLD, Esq.,

*San Francisco, California.*

## STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 5th, 1849.*

SIR: I am directed by the governor to acknowledge the receipt of your communication of the 1st instant, and to inform you that it will be forwarded to Washington by the next mail, with the following endorsements:

"Recommended to the favorable consideration of the government."

(Signed) B. RILEY,

*Brev. Brig. Gen. U. S. A. and Governor of California.*

No reply whatever has been received to your communication of Oct. 25, 1849, which was sent to Washington by Colonel Mason, then commanding in California.

Very respectfully, your obedient servant,

H. W. HALLECK,

*Brev. Capt. and Secretary of State.*

FRANCISCO LOPEZ UNISCO,

*Monterey, California.*

## STATE DEPARTMENT OF CALIFORNIA,

*Monterey, Dec. 11th, 1849.*

SIR: I have the honor to acknowledge the receipt of your letter of November 23, and the enclosed note, in relation to Padre Gornes's mill stones. The Governor will order the payment of your salary as judge of 1st instance, whenever your account is presented; but he can pay none of your expenses as alcalde, in sending couriers, clerk-hire, etc. Such accounts, if just, must be paid by the district. The governor will take no further action in the case of the mill stones, and your complaints against Berillo, must be made to the prefect.

Very respectfully, your obedient servant,

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

MIGUEL ABILA, *Judge of first instance, San Louis Obispo.*

## STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 12, 1849.*

MAJOR: You are authorized by the governor to pay from the "civil fund," to W. G. Dana, prefect of the district of San Louis Obispo, the



sum of two thousand and five hundred dollars, to be expended by him in the construction of a jail and court house in the town of San Louis Obispo, *provided* that an equal sum be raised by said district or town and applied to the same purpose. The prefect will give security to the civil treasurer for the return of the money so paid over to him, in case the above conditions should not be complied with.

Very respectfully, your obedient servant,  
 (Signed) H. W. HALLECK,  
*Bvt. Capt. and Sec'y of State.*

Major R. ALLEN, *Civil Treasurer, San Francisco, California.*

STATE DEPARTMENT OF CALIFORNIA,  
*Monterey, December 8, 1849.*

SIR: Your letter of November 30, enclosing custom house accounts for the 2d, 3d, and part of the 4th quarter, 1849, is received. These accounts have been laid before the Governor, who directs me to immediately call your attention to what he regards as an unauthorized and illegal retention of public money. Your charges of three per cent. on the revenue collected at San Francisco, is not only without authority, but in direct violation of a general law of Congress, limiting the total amount of emoluments which a collector can receive in any one year, (*vide Act May 7, 1822*). The governor therefore directs that you immediately turn over to the civil treasurer all moneys arising from customs over and above the amount which the law authorizes you to retain. A full account of the fees, etc., received by you, should accompany your custom house papers.

Very respectfully, your obedient servant,  
 (Signed) H. W. HALLECK,  
*Bvt. Capt. and Sec'y of State.*

T. H. HARRISON, Esq., *San Francisco. California.*

STATE DEPARTMENT OF CALIFORNIA,  
*Monterey, December 12, 1849.*

MAJOR: Your letter of Oct. 15th was duly received and immediately laid before the Governor, who is of the opinion that the sum of \$13,60 would be a very inadequate compensation for your labor and responsibility in taking care of the civil funds in San Francisco. Two and a half per cent. on disbursements has been the only compensation allowed in other cases, but in this instance it is evidently insufficient, and would seem to justify a deviation from the rule, which was made in accordance with the spirit of the law of March 3d, 1849, and reported to the Secretary of War, for the approval of the President. In your case Gen. Riley will authorize an additional allowance (when your accounts are received) and recommend it to the President for his approbation.

Very respectfully, your obedient servant,  
 (Signed) H. W. HALLECK,  
*Bvt. Capt. & Sec'y of State.*

MAYOR E. H. FITZGERALD, *San Francisco, California.*

*Know all men by these presents :*

That I, Bennett Riley, Bvt. Brig. Gen. U. S. Army, and Governor of

California, by virtue of authority in me vested, do hereby appoint José del C. Lugo a judge of 1st instance in and for the district of Los Angeles to date from the 1st of August 1849.

Given under my hand and seal at Monterey, California, this 12th day of December, A. D. 1849. (Signed)

B. RILEY,

*Agt. Brig. Genl. U. S. Army, and Governor of California.*  
(Official.)

H. W. HALLECK, *Bvt. Capt. and Secretary of State.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 12, 1849.*

SIR: I am directed by the governor to enclose herewith for José del C. Lugo, as a judge of 1st instance for the district of Los Angeles, on presenting this commission to Señor Lugo, you will give him official notice, by direction of the governor, that after that date his jurisdiction will be confined to criminal affairs.

Very respectfully,

Your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

S. C. FOSTER, *Prefect of Los Angeles, California.*

#### PROCLAMATION.

*To the People of California:*

It having been ascertained by the official canvass, that the constitution submitted to the people on the 13th day of November was ratified by the almost unanimous vote of the electors of the State,

Now, therefore, I, Bennett Riley, Brvt. Brig. Gen. U. S. Army, and Governor of California, do hereby proclaim and declare the said constitution to be ordained and established as the constitution of the State of California.

Given at Monterey, California, this 12th day of December, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army and Governor of California.*

By the Governor.

(Signed.) H. W. HALLECK, *Bvt. Capt. and Sec'y of State.*

STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 12, 1849.*

SIR: I have the honor to transmit herewith a copy of the abstract of the returns of the votes given at the election held on the 13th day of November last, and also the original return of said election.

Very respectfully,

Your obedient servant,

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

To the Hon. the Speaker of the House of Assembly.

## STATE DEPARTMENT OF CALIFORNIA,

*Monterey, December 12, 1849.*

SIR : I have the honor to transmit herewith a copy of the abstract of the returns of the votes given at the election held on the 13th day of November last. The original returns have been sealed up and transmitted to the president of the Senate.

Very respectfully, your obedient servant,

(Signed)

H. W. HALLECK,

*Bvt. Capt. and Sec'y of State.*

To the Hon. the Speaker of the House of Assembly.

*To all to whom these presents shall come, greeting :*

I, the undersigned, Brvt. Brig. Gen. U. S. Army, and Governor of California, hereby permit all persons to permit safely and freely to pass Capt. Andrew I. Smith, charged with important despatches to the President of the United States, and, in case of need, to give him all lawful aid and protection.

Given under my hand and seal at San José, California, this 19th day of December, A. D. 1849.

(Signed)

B. RILEY,

(L. s.) *Brev. Brig. Gen. U. S. Army, and Governor of California.*

## EXECUTIVE DEPT. OF CALIFORNIA,

*San José, December 19th, 1849.*

*To His Excellency Z. TAYLOR, President of the United States.*

In accordance with the provision of the 7th section of the schedule, I have the honor to transmit by the hands of Capt. Andrew I. Smith a certificate copy of the Constitution, which was ratified by the almost unanimous vote of the people of California on the 13th day of November last.

I am, sir, very respectfully, your obedient servant,

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army, and Governor of California.*

## PROCLAMATION.

*To the People of California :*

A new executive having been elected and installed into office, in accordance with the provisions of the constitution of the State, the undersigned hereby resigns his power as governor of California. In thus dissolving his official connexion with the people of this country, he would tender to them his most heartfelt thanks for the many kind attentions, and for the uniform support which they have given to the measures of his administration. The principal object of all his wishes is now accomplished—the people have a government of their own choice ; one which, under the favor of Divine Providence, will secure their own prosperity and happiness, and the permanence of the new state.

Given at San José, California, this 20th day of December, A. D. 1849.

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. Army, and Governor of California.*

By the Governor,

(Signed) H. W. HALLECK, *Bvt. Capt. and Secretary of State.*

## GEN'L RILEY'S MILITARY CORRESPONDENCE.

### CALIFORNIA.

1849, Nov. 21,	Bvt. Brig. Gen. Riley to	Adj't. Gen. Jones.
" 30,	do.	do.
" "	do.	Asst. Adj't. Freeman.
Dec. 2,	do.	Adj't. Gen. Jones.
" 6,	do.	do.
" 28,	do.	do.
" "	do.	do.
" 29,	do.	do.
" 31,	do.	do.
" "	do.	Asst. Adj't. Freeman.
1850, Jan. 3,	do.	Adj't. Gen. Jones.
" 22,	do.	do.
" 24,	do.	do.
" "	do.	Secretary of War.
" 29,	do.	Adj't. Gen. Jones.
" 30,	do.	Asst. Adj't. Freeman.
Feb. 1,	do.	Adj't. Gen. Jones.
" 12,	do.	do.
" 23,	do.	do.
" 28,	do.	Asst. Adj't. Freeman.
March 1,	do.	Adj't. Gen. Jones.
" 2,	do.	do.
April 1,	do.	do.

No. 33.

HEAD-QUARTERS, 10 MIL. DEPT.,

*Monterey, California, November 21st, 1849.*

GENERAL : I have the honor to transmit herewith the original proceedings of the general court martial convened at camp Stanislaus, California, by department order No. 31, current series.

Very respectfully, your obedient servant,

B. RILEY,

*Bvt. Brig. Gen. U. S. A., Com'dg the Dep't.*

Maj. Gen. R. JONES,

*Adj. Gen. U. S. A., Washington, D. C.*

No. 35.

HEAD-QUARTERS, 10 MIL. DEPT.,

*Monterey, California, November 30th, 1849.*

GENERAL : I have the honor to report that since the date of my letter of advice, No. 31, the following papers in separate packages, have been mailed for transmission to your office, viz. :

1. Duplicate copy of Col. Mason's despatch, No. 52.
2. Requisition for arms for company "E" 1st dragoons, (from San Francisco).
3. Copies of the muster rolls of the California battalion.
4. Copies of department orders from No. 6 to 28, C. S., inclusive.
5. Copies of department special orders from No. 6 to 36, C. S., inclusive.
6. Original proceedings of the general court martial convened at camp Stanislaus by department orders No. 31, C. S.
7. Copies of department orders Nos. 35, 36 and 37, and department special orders Nos. 57, 58, 59, 60, 61, 62 and 63, current series.
8. Copy of military correspondence from November 1st to November 30th, 1849.
9. Department return for September, 1849.

Very respectfully, general, your obedient servant,

B. RILEY,

*Bvt. Brig. Gen. U. S. A. Commanding the Department.*

Maj. Gen. R. JONES,

*Adj. Gen. U. S. A., Washington, D. C.*

No. 13.

HEAD-QUARTERS, 10 MILITARY DEPARTMENT,

*Monterey, California, November 30th, 1849.*

COLONEL : I have the honor to report for the information of the Commander-in-Chief that in consequence of the commencement of the rainy season nearly a month earlier than usual, and with unusual severity, it was found that the dragoon command detached for the purpose of operating against the Indians of the Upper Sacramento would be unable to reach their destination. It has accordingly been recalled, and two companies "C" and "E" 1st dragoons will winter at Sonoma, from which place the expedition will be sent as early as possible after the cessation of the rains. The same reasons have induced a change in the destination given the companies of Major Miller's command in special orders No. 55. One of these companies ("A" 2d infantry) will be quartered for the winter at the Presidio of San Francisco, and the other two compa-

nies(" B " and " K " 2d infantry) at this place. Arrangements will be made during the winter for the permanent establishment of this command in the valley of San Joaquin. Arrangements will also be made for the establishment of a permanent post at the junction of the Gila and Colorado rivers, and in the vicinity of the Cajon Pass, and if possible in the neighborhood of Keins Lake.

But one of the dragoon detachments ordered to this country from New Mexico has arrived, and I learn unofficially that it is doubtful whether, in consequence of the Indian hostilities in New Mexico, Colonel Washington will be able to spare the second detachment. Should it not be sent, it will be doubtful whether I can keep up the organization of the three dragoon companies now in the department, and I shall probably be obliged to break up one of these companies, and send such of the officers as are not required in this country to the Atlantic coast to re-organize their company. The escort of the collector was expected by the northern route, and under this expectation the men comprising it were transferred to " C " company 1st Dragoons. Upon learning that the horses of the detachment were so much broken down upon their arrival at San Diego, that the march through the country could not be made at present, I instructed the officer, (Lieut. Beckwith, 3d artillery) to remain at San Diego until the receipt of further instructions.

So far as information has been received, the Indians upon the frontier are now quiet, but the disposition of many of them is anything but friendly to the whites, and the occurrence of hostilities at any moment will not surprise me. It is greatly to be regretted that the state of affairs in this country has been such as to prevent the permanent establishment of posts in the interior, that are so much needed. I now, however, expect confidently that the vast immigration during the past season will so far reduce the prices of labor, and thus diminish the temptation to desert, that no difficulty will be experienced in making these establishments as soon as the cessation of the rains will permit it.

Although the demand for troops in other parts of our country is known to be very great, I strongly recommend that a company of artillery be sent from the Atlantic coast to garrison the port of San Diego, at which place it is important that a heavy battery should be constructed as soon as possible for the defence of the entrance of the harbor. An estimate for the necessary armament has already been made.

I anticipate much suffering, particularly among the recent immigrants, during the coming winter. The supply of provisions in the country is limited, and the unusually early commencement of the rains has found many of the interior settlements without their winter supplies, and the roads are already almost impassable. All kinds of provisions are now exorbitantly high in the mines, and in consequence of the limited quantities that are now arriving, they have, even on the coast, been more than double in the last month.

I have the honor to be, very respectfully, Colonel,

Your obedient servant,

B. RILEY,

*Bvt. Brig. Gen. U. S. A. Comdg. the Dept.*

Lieut. Col. W. G. FREEMAN,

*Asst. Adjt. General, Head-Quarters of the Army, New-York.*



HEAD-QUARTERS, 10 MIL. DEPARTMENT,  
*Monterey, Cal., Dec. 2, 1849.*

GENERAL: I have the honor to acknowledge the receipt to-day, by the steamer Unicorn, from San Francisco, of the circulars from your office of Sept. 15 and 17, your communication of Sept. 22, enclosing the acceptance of Assistant Surgeon Ryer's resignation, and fifty blank returns. Very respectfully, general, your obedient servant,

B. RILEY,  
*Brev. Brig. Gen. U. S. A., Comdg. the Dept.*

Maj. Gen. R. JONES,  
*Adj. Gen. U. S. A., Washington City.*

HEAD-QUARTERS, 10 MIL. DEPARTMENT,  
*Monterey, Cal., Dec. 6, 1849.*

GENERAL: I have the honor to acknowledge the receipt, by the mail from San Francisco, by the mail of last night, of your communications of Sept. 10 and enclosure and Sept. 17.

Very respectfully, your obedient servant,  
 B. RILEY,  
*Brev. Brig. Gen. U. S. A., Comdg. the Dept.*

Maj. Gen. R. JONES,  
*Adj. Gen. U. S. A., Washington, D. C.*

HEAD-QUARTERS, 10 MIL. DEPARTMENT,  
*Monterey, Cal., Dec. 28, 1849.*

GENERAL: I have the honor to acknowledge the receipt to-day, by the steamer from Panama, of the following papers, namely: a copy of your communication of Oct. 1 to Brevet Major Patrick, the communications of Oct. 4 and 13 and Nov. 3, and General Orders No. 47.

Very respectfully, your obedient servant,  
 B. RILEY,  
*Brev. Brig. Gen. U. S. A., Comdg. the Dept.*

Maj. Gen. R. JONES,  
*Adj. Gen. U. S. A., Washington, D. C.*

No. 41. HEAD-QUARTERS, 10 MIL. DEPARTMENT,  
*Monterey, Cal., December 28th, 1849.*

GENERAL: In Colonel Mason's communication of April 13th, transmitting the report of Captain Halleck, corps of engineers, and my communication of June 1st, the attention of the department was called to the necessity of taking immediate measures for the prompt and final settlement of the title to lands that have been selected in California for government purposes.

The difficulties anticipated in these communications have been more than realized.

The disposition to trespass upon the most valuable of these reservations at San Francisco has even outrun the extraordinary increase in the value of lands at that place. On the third of last month I received a communication from the commanding officer at San Francisco, in relation to these reservations, of so important a character, that I immediately proceeded to that place for the purpose of adopting such mea-

asures as might be found most advisable for the protection of the interests of the United States. Upon my arrival at San Francisco, I found that Captain Keyes had already leased a portion of these reservations upon terms that I considered exceedingly disadvantageous to the United States, and accordingly disapproved of the lease made by him. Upon a full examination of the subject, I became satisfied that the interests of the government could only be protected by leasing these lands to responsible persons who would undertake, in good faith, to protect the rights of the general government. I accordingly directed, in Department Special Order, No. 59, the transfer of so much of this land as, in the estimation of the collector for this district, might be necessary for custom-house purposes, to the treasury department, and that the remainder of the reservations in the town of San Francisco should be leased upon the conditions expressed in my instructions to Captain Keyes of November 16th, a copy of which was transmitted with my military correspondence for November.

It will be seen from the copies of the leases transmitted herewith, that Captain Keyes has departed considerably from these instructions, and the leases made by him would not have been approved had I not been advised by persons from San Francisco, and conversant with the state of affairs in that place, that to disapprove of them would prejudice the interests of the United States to a much greater extent than the approval of the leases, disadvantageous as I deem them to be.

There has been thus far no direct recognition or approval of the action of the commander of the department in making these reservations, and this fact is made use of by interested individuals to the prejudice of the United States, and although I entertain no doubt of the entire legality, under the Mexican laws, of the course pursued by General Kearny in his decree of March 10, 1847, I believe that the expression of an approval of the course pursued by him would tend greatly to allay the feeling in regard to the reservations.

I enclose also a sketch of the reservation at the presidio of San Francisco, a copy of a communication from Captain J. L. Folsom, assistant quartermaster, United States Army, by whom, under instructions from Colonel Mason, this reservation was made, an abstract of the titles of the present claimants to this reservation, (Messrs Wright and Co.) and a copy of a communication from Captain Keys, 3d artillery, of November 1st, 1849, to which your attention is respectfully invited. The title then held by Mr. Larkin, and since transferred to Mr. Wright, was fully discussed in the report submitted by Colonel Mason, on the 13th of April last, and I have since learned nothing in relation to it to induce me to dissent from the opinions then expressed.

The holders of this claim offer to give to the United States the old fort, presidio, and the necessary adjoining grounds for the purposes of fortification. I replied to this proposition, that as the matter had already been referred to the War Department, I was unable to do more than confirm the action of Colonel Mason. (See abstract of title.) It will be seen, however, that the reservation embraces an area of more than five square miles, and much greater in my estimation than can be required for military purposes, and I think it would be advisable to authorize the relinquishment of all that may be found unnecessary for such purposes;

the designation to be made by the joint commission appointed by direction of the President, November 30th, 1848.

I have little doubt that the proprietors of this claim would accede to such an arrangement, and, if it be not made, that no exertions on their part will be spared to subvert the claims of the general government.

Indeed, I am satisfied that the most strenuous exertions are now being made, and will continue to be made, to establish titles to all the lands in and about San Francisco, that have been reserved for public purposes.

Very respectfully, your obedient servant,

B. RILEY,

*Brevet Brigadier General, United States Army,  
Commanding the Department.*

Major-General R. JONES,

*Adjutant-General United States Army, Washington, D. C.*

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*San Francisco, November 1st, 1849.*

Major R. S. CANBY,

*Assistant Adjutant-General.*

SIR: I have this moment learned that General Riley's passage has been secured in the steamer which leaves to-day for San Diego. I therefore hasten to write again on the subject of public reserves in this city and its neighborhood, with the hope that I may receive further instructions without delay. I have thus far acted upon the advice of the Attorney-General Billings, and he has advised me not to employ force, unless some decided steps are taken at once, the whole of the public reserves will be appropriated and improved by persons claiming to have good titles to them.

The persons who have, or assert they have titles, are men of property, and threaten to hold all government officers personally responsible for any infringement of their rights. Under such circumstances, it appears to me, that before officers can act safely in the matter, the rights of the United States should be thoroughly investigated, and plainly set forth by some competent legal person. I take the liberty again to recommend the appointment of such a person.

I have succeeded in keeping Rincon point clear, and am just now in from Clarke's point, where Mr. Steinberger and I have just been to order off a tent. The owners have agreed to go peaceably.

I enclose an abstract of Thomas O. Larkin's title to grounds in the neighborhood of the Presidio. Mr. Larkin gave away the whole or a part of his interest to D. R. Wright and others. (This is not the Wright of the Miners' Bank.) I have seen all the papers connected with his claim, and they appear to be regular. The claim calls for two leagues square from point Lobos to the Lagoon of the high hill, and the present proprietors wish to improve immediately. They are willing to relinquish their claim to the old fort at the entrance of the harbor, and the presidio, to the extent of about one mile back and this side of the barracks. The grounds they offer to give up to the government are sufficient for military purposes.

The present proprietors speak of what may be considered an infirmity in their title. It is, that Pico granted the lands in question subject to the approval of the department assembly. The revolution, soon after, pre-

vented the convening of the assembly, and no approval could be had. All other necessary steps were taken to perfect the title. It is barely possible that the grant may not have been properly located. Mr. Wright and others have been fair in their exhibitions of their papers, and if General Riley considers their claim good, I hope he will signify his approval with as little delay as he may deem expedient. I ask this, because I cannot suspect these gentlemen of a disposition to appropriate what does not belong to them.

There are several claimants to the ground on Clarke's Point, now in charge of Mr. Steinberger. To protect it against those claimants will cause infinite trouble. I therefore respectfully recommend that I should be authorized to use my discretion in the disposition of that property. I should forthwith lease it to some private individual for, say five years, or until the government needed it, for the consideration of, say \$1000 per annum, and taking care of it and protecting it against other persons for the benefit of the United States. I should draw the lease with great care, and although this proposition may sound singularly, it is the only tolerably effective method I can imagine to secure that ground to the United States. I have been obliged to write this letter in the greatest haste, but I hope General Riley will consider its contents worthy of an immediate reply. Such a reply would relieve me of the uncertainty of my present position.

I am, sir, respectfully, your obedient servant,  
(Signed)

E. D. KEYES,  
*Captain 3d Artillery, Commanding.*

## ABSTRACT OF TITLE TO PUNTA DE LOBOS,

*Owned by D. R. Wright and others.*

First. Benito Diaz, on the 3d of April, 1845, petitions for two leagues of land, and the petition was sent to Los Angeles.

Second. On 25th June, 1845, Pio Pico, governor, makes a grant in conformity to law and in accordance with the petition.

Third. On the 19th of September, 1846, Benito Diaz deeded in due form to Thomas O. Larkin, and Larkin was invested by the alcalde at San Francisco.

Fourth. September 3d, 1847, R. B. Mason made the following endorsements on Larkin's title deeds, namely: The United States troops are now in possession of the Presidio and Old Fort at the entrance of the bay of San Francisco, which are claimed by Mr. Thomas O. Larkin as his property. Without making any decision for or against the soundness of Mr. Larkin's title as exhibited by this paper, the possession held by the United States will not operate to the prejudice of any just claim to said property held by Mr. Larkin.

*Monterey, September 3d, 1847.*

(Signed)

R. B. MASON,  
*Colonel 1st Dragoons and Governor of California.*

At the time the above endorsement was made, the original petition could not be found, but has since been found, together with all the endorsements made at the seat of government, and is now in the possession of the proprietors, thus making the title complete.

The present proprietors propose giving to the United States the Presidio, old fort, and the necessary adjoining grounds, for purposes of fortification.

Fifth. September 29th, 1849, Larkin and wife deeded to D. R. Wright and others.

I certify that the above is a correct copy.

E. R. S. CANBY,

*Assistant Adjutant-General.*

PRESIDIO OF SAN FRANCISCO,

*December 10th, 1849.*

Major E. R. S. CANBY,

*Assistant Adjutant-General.*

SIR: I have the honor to acknowledge the receipt to-day of copies of Department Orders Nos. 38 and 39, current series; also the return of my correspondence on the subject of a chaplain for this post, and of your letter of the 3d instant, giving the steps taken by General Riley in reference to the claim to *Punta de Lobos*, and speaking of the application of Mr. Davis for a portion of the public reserves.

I have also the honor to enclose herewith copies of the leases of the reserves in San Francisco to Messrs. Steinberger and Shillaber. The leases will show how far I have departed from your instructions. I studied those instructions until I think I comprehended the spirit that dictated them. I saw clearly that Mr. Steinberger was not deemed so good a man as some others. But Mr. Steinberger had long had possession at Clarke's Point, and his claims to the grounds in that quarter are so numerous and so pertinaciously maintained, that I thought it prudent to renew the lease to him, increasing the consideration to \$3,000 per annum, and giving to the collector more than double the space reserved in the former lease. Mr. T. Butler King has promised to explain that lease to you. He is fully acquainted with everything in its progress. Since drawing that lease a Mr. Hensly has appeared with a claim to a 50 vara lot there, for which he will contend. When General Riley shall learn all the circumstances, I trust that he will approve my conduct in that lease.

In reference to Rincon Point and the reserve between Jackson and Washington streets, I offered them first to Messrs. Dewitt and Harrison for nothing, if they would subscribe to all the conditions set forth in your instructions to me; they declined. I made the same offer to Mr. C. V. Gillespie, and he declined. I then offered them to Mr. Shillaber, who insisted on certain modifications, which I allowed. Those modifications will be found not very material, as at the end of five years the government may appropriate any portion it may require. All the conditions of the lease are stringent, and must, I think, finally bring most of the property into the undisputed possession of the United States.

The lands between Jackson and Washington streets, in part, have long been in the possession of others, and claims are advanced to the whole; besides, to improve those on the flats will require an enormous outlay. Under such circumstances and in view of the law-suits that may grow out of the lease, the time I have given was not deemed unreasonable. A less time could not have secured a vigorous prosecution of the rights of the government. On the other hand, the grasping



disposition of the people rushing to appropriate the public lands, did not leave time to refer back to head-quarters, and I therefore acted promptly and as I thought General Riley would have acted had he been here and a witness to all the circumstances of the case.

My explanation is brief, but sufficient, I trust, to explain my conduct to General Riley, and, I hope, to secure his approval.

I have the honor to be, sir,

Your most obedient servant,

(Signed) E. D. KEYES,

*Captain 3d Artillery, Commanding Post.*

This indenture, made the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and forty-nine, by and between Captain E. D. Keyes, United States Army, commanding at San Francisco, Upper California, and Theodore Shillaber, of the same place, witnesseth: That the said E. D. Keyes, as agent of the United States by and with the authority of Brevet Brigadier-General Bennet Riley, United States Army, commanding the 10th military department, doth hereby lease, demise, and let to the said Theodore Shillaber, his heirs and assigns, all those lots, parcels, and blocks of ground in the town of San Francisco, Upper California, which have hitherto been set apart, indicated or known as "Government Reserve," and which are embraced by, 1st, Montgomery-street on the west, Jackson-street on the north, Washington-street on the south, and the limits of the town, or deep water on the east; and, 2d, by what is commonly known or indicated on the map of said town as "Rincon Points." The second piece or parcel of ground embracing all that has heretofore been set apart as "Government Reserve" on Rincon Point and its immediate neighborhood. To hold for the term of ten years from the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and forty-nine, subject to the following conditions and exceptions, to wit:

1. The said lessee yielding and paying to the officer of the Quartermaster's department on duty at San Francisco, or to such other person as may be appointed to receive it for the benefit of the United States, the sum of two thousand dollars for each and every year.

2. To acquire for and surrender to the United States at the expiration of this lease, all titles and claims belonging to or held by other persons, and all persons, in and to the whole or any part of said premises.

3. To pay all taxes and assessments that may be laid on the premises, or any portion or portions of them, after they shall come into the possession of said lessee by the proper authorities.

4. After the expiration of five years from the said twenty-seventh day of November, to surrender to the United States such portion or portions of the premises as may be required for the actual uses of the government, and which may be called for by the proper authorities. It being understood, that in case such claim should extend to portions of the premises upon which large amounts of money shall have been expended in permanent improvements, that the said lessee shall be allowed a fair compensation for such improvements, to be determined by three disinterested men, impartially selected, according to usual forms. If no such claims are made for the purposes specified in this article, the said



lessee to have quiet and peaceable possession for the whole ten years aforesaid.

5. In case the United States shall claim and appropriate any portion or portions of the premises before the expiration of the term of this lease, then, in such case, the said lessee shall be allowed not less than ninety days to remove the buildings therefrom; or the United States government may, at its option, purchase the same upon the valuation of three men, selected as aforesaid, and the same conditions respecting the removal or purchase of buildings shall hold at the termination of this lease.

6. The said Shillaber agrees honestly and faithfully to defend and protect the interests and rights of the United States in and to all and every part of the lands embraced in this indenture; but if it shall be decided by the proper tribunals, that any other person or persons possess a valid and *bona fide* title to any portion or portions of them, and if such person or persons shall now have, or shall obtain legal possession thereof, in such case, the portion or portions so claimed and obtained shall be considered as not embraced in this indenture of lease. This indenture holding good, with all its conditions and exceptions to all other parts and portions of the premises herein described.

7. In default of the payment by the said lessee within the year for which it is due, of the two thousand dollars aforesaid, this lease to become null and void, and the said lessee to surrender the premises to the United States.

8. At the expiration of the ten years aforesaid, the said Shillaber agrees to surrender the whole premises peacefully to the United States. It being understood, that should the lessee be required to surrender any portion or portions of them before the expiration of ten years, that a fair correspondent diminution of the rental of \$2,000 is to be allowed him.

9. The said Shillaber agrees not to allow any person whatsoever to participate in the uses or profits of the premises herein described, who does not fully, and without reservation or predisposition of his claims, subscribe to all the conditions of this lease.

In witness whereof, the said parties to this indenture have hereunto set their hands and seals on the day and year above written.

(Signed)

E. D. KEYES,

*Capt. 3d Artillery, commanding at San Francisco.*

Witness.

Executed in the presence of (Signed) THEODORE SHILLABER.

(Signed) ROBERT R. PURPONT.

(Signed) THOMAS G. PEACHY.

Additional Article.—It is understood, that at the termination of this lease, the said Shillaber is not to claim, nor are those holding under him to claim any compensation for any excavation or embankment made upon such portions of the premises as he may hold during the whole ten years.

(Signed)

E. D. KEYES,

*Capt. 3d Artillery, commanding at San Francisco, Cal.*

(Signed)

THEODORE SHILLABER.

Witness.

(Signed) ROBERT R. PURPONT

(Signed) THOMAS G. PEACHY.

## TERRITORY OF CALIFORNIA,

*District of San Francisco, Sct.*

Before me, First Alcalde of said district only, commissioned as such, personally appeared the within named E. D. Keyes and Theodore Shillaber, who acknowledged the within instrument to be their voluntary act and deed for the purposes therein mentioned.

Given under my hand this 29th November, in the year of our Lord one thousand eight hundred and forty-nine.

(Signed)

JOHN W. GEARY,

*First Alcalde.*

I certify the above is a correct copy.

E. R. S. CANBY, *Assistant Adjutant-General.*

## QUARTERMASTER'S OFFICE,

*San Francisco, California, June 23d, 1848.*

SIR: In compliance with instructions dated March 29th, 1848, I have made a selection of boundaries for the military reserve at the entrance of the harbor of San Francisco. The limits, as now defined, had the approval of Major J. A. Hardie, commanding at the Presidio barracks, as also of Lieutenant William H. Warner, U. States Topographical Engineers, to whose assistance I am indebted for a survey of the same, together with the accompanying map.

The reserve is bounded by a line drawn north  $6^{\circ}$  west and tangent to the eastern extremity of Alcatrazes Island, to the summit of a ridge of hills running sensibly parallel to the bay. This line extends (5,253) five thousand two hundred and fifty-three feet from the bay of San Francisco to the summit of the hills, and thence south  $42^{\circ}$  west to the Pacific Ocean. From this point on the coast, the boundary runs along the beach to the old fort at the entrance of the harbor, and thence still following the beach, to the point of departure.

The reasons which led to the selection of so considerable a reserve are as follows:

1st. There is a line of hills running parallel to the bay of San Francisco, which overlooks the old fort at the entrance of the harbor, as also the Presidio barracks and the bay, and this boundary includes the hills for about two miles along the south side of the harbor.

2d. Point San José is opposite to Alcatrazes Island, and projecting as it does towards it, is capable of receiving a strong work for the defence of the harbor in connection with fortifications upon the island.

3d. The establishment of large military works upon the bay would make a considerable reserve essential to the public interests, and the grounds best adapted to this purpose are secured by these boundaries. Besides, these boundaries include a tolerable range for public stock, good sites for making bricks, and a large amount of fuel conveniently situated for the use of the garrison.

4th. The reserve has no settlers upon it at present (with one exception, and he has no title,) and no portion of it has ever been looked upon as within the limits of San Francisco. The lands are not needed for improvements by citizens, and the natural limits of the town do not extend

to the reserve, in consequence of the bad or indifferent anchorage which is found along the whole front of it.

5th. Should it ultimately be found that the reserve is unnecessarily large, it can be relinquished in part when no longer wanted, and in the meantime these limits will prevent such encroachments as would be pernicious to the discipline of the garrison and injurious to the public interests.

I am, sir, respectfully, your most obedient servant,  
(Signed)

J. L. TOLSOM,

*Captain, Asst. Quartermaster.*

Lieutenant Wm. T. SHERMAN,

*3d United States Artillery, A. A. A. General, Monterey, California.*

HEAD-QUARTERS, 10TH MILITARY DEPT.,  
*Monterey, California, December 26th, 1849.*

CAPTAIN: Your communication of the 10th instant enclosing copies of the leases made by you of the government reservations at San Francisco, was received at San José on the 19th instant, and was submitted to the commanding general, by whom I am directed to say, that these leases have been approved by him, but only because he was advised that to open the subject again would probably prejudice the interests of the United States to a greater extent than they have already been by your disregard of his instructions.

The commanding general directs me to express his regret that you should have studied your instructions to so little purpose as to lose sight entirely of the principal conditions to be observed in leasing these lands, the termination of the leases and the reservation of the right to resume the control of any portion of the reservations required for government purposes, at any time after the expiration of two years, and that you should have found that they were dictated by a spirit which is not expressed in them, and was not entertained by the commanding general in directing them. The general directs me to add that he cannot understand why you should have deemed it necessary to ask the intervention of any individual to explain your cause in this matter, when it should properly and naturally have been explained by yourself and placed upon record.

Very respectfully, your obedient servant,  
(Signed)

E. R. S. CANBY.

*Assistant Adjutant-General.*

To Captain E. D. KEVES,

*3d Artillery, Commanding, San Francisco.*

No. 42.

HEAD-QUARTERS, 10TH MIL. DEPT.,  
*Monterey, California, December 29th, 1849.*

GENERAL: I regret that your communication of September 17th did not reach me in season to be answered by the steamer of the 2d inst., as I desired greatly to express my regret at the determination of the war department to send no more recruits to this country. Although the temptation to desert must for some time continue to be very great, the extraordinary

emigration of the past season has greatly diminished the price of labor and the prospects of gain in the golden regions. The emigration which is understood to be now on the way to California will still further diminish the inducements, and I anticipate no difficulties in making in the course of the ensuing season, the permanent military establishments that are necessary in this country. Although the number of desertions in this country has been very great, yet it should be recollected that the new troops in this country arrived when the gold mania was at its greatest height, and when the demand for laborers was so great that the mechanics received from \$12 to \$16 per day, and ordinary laborers from \$5 to \$10 per day, and this labor was so necessary to the trading community, that there existed almost every imaginable inducement for desertion, and so much sympathy for deserters, that unless the parties sent in pursuit were composed of officers, there was little hope that any would be apprehended. In addition to this, the 2d infantry was singularly destitute of company officers. But one company had its proper complement, more than half of them had but two and several but one. The staff duties of all the commands of that regiment, with a single exception, were performed by staff officers who could not be detained without jeopardizing the property for which they were responsible or leaving their companies without an officer. In more than one instance of this kind have losses been sustained, both of funds and property, from the responsibility of which the officers cannot be relieved without the action of congress.

It will be seen by reference to the dept. returns, that the loss from desertions, deducting the "joined from desertion" was in the month of August, 21; in September, 23; in October, 6, and in November, so far as returns have been received, 6. It should be borne in mind, that in these four months the labors of the miners are more richly rewarded than in any other months of the year, and it should be more fruitful of desertions.

I am satisfied that in future, if the different commands in the dept. be supplied with line and particularly with staff officers, so that company officers may not be diverted from their legitimate duties, desertions may be restrained within reasonable bounds, and that it will not much, if at all, exceed that in other frontier departments.

There is not, as stated in your communication, nor has there ever been, ten medical officers in this department, and the acceptance of the resignation of Dr. Ryer, and the discharge of Dr. Booth leave but *seven*,—of whom three at the last accounts were invalids, although still doing duty, and one is now absent, with but little hope, as I learn from the medical director, of his ultimate recovery, and another has tendered his resignation.

The original resignation of Dr. Ryer was transmitted through division headquarters. I deemed it proper that he should be continued in service until his place could be supplied, and the tender of resignation of Dr. Griffin received a similar endorsement.

The attention of Dr. Ryer was called as directed from your office to his disregard of regulations in sending his resignation direct, but I apprehend that this rebuke affected him but little, as he had obtained his object in being discharged from the service, at a period when his services were greatly needed. Dr. Booth was retained in service with his own

consent, because it was greatly more economical than to employ a citizen at a compensation several times greater than the monthly pay of an assistant surgeon. His discharge will involve the necessity of employing a citizen for the climate of the interior of California, where the troops to be useful must be stationed, bears little resemblance to the climate of Italy, unless it be that of the Pontine marshes,

If recruits are not to be sent to this department, there will be no great immediate necessity for the company officers referred to in your communication of September 17th, and I will therefore recommend to the commander-in-chief that if they have not already left the Atlantic coast, a portion of them be retained there to be sent out without recruits whenever it is deemed proper to send them.

Very respectfully, general, your ob't servant,

B. RILEY,

*Bvt. Brig. Gen. U. S. A. Comd. the Dept.*

To Major-Gen. R. JONES,  
*Adj. Gen. U. S. A., Washington, D. C.*

No. 43.

HEAD-QUARTERS, 10TH MIL. DEPT.,  
*Monterey, California, December 31st, 1849.*

GENERAL : I have the honor to report that the following separate packages will be transmitted by the steamer of the 1st proximo, by Capt. A. J. Smith, 1st Dragoons, the bearer, to the president of the United States of the copy of the constitution of the State of California, ratified by the people, viz. :

1. Letter of acknowledgment, No. 36.
2. do. do. 37.
3. Dept. returns for October, 1849.
4. Corrected dept. returns for May, June, July, and August, 1849.
5. Letter of acknowledgment, No. 40.
6. My report, No. 41.
7. do. 62.
9. Copies of dept. orders, Nos. 38, 39, 40, 41, 42, & 43.
7. Copies of dept. orders, Nos. 64, 65, 66, 67, 68, 69, 70, 71, 72 & 73, current series.

Very respectfully, general, your obedient servant,

B. RILEY,

*Bvt. Brig. Gen. U. S. A. Com'dg. the Dept.*

To Gen. R. JONES,  
*Adj. Gen. U. S. A.*

No. 18.

HEAD-QUARTERS, 10TH MIL. DEPARTMENT,  
*Monterey, Cal., December 31st, 1849.*

COLONEL : I have the honor to report, for the information of the commander-in-chief, that no material changes have occurred in the state of affairs in this department since the date of my despatch No. 13. The rains have continued with unusual violence, and the communication with the interior of the country, except on the navigable water courses, is almost entirely cut off. No reports have been received from the command on the upper Sacramento since the 15th of last month, and



the mails between this place and San Francisco have almost entirely failed during the month. I have consequently but little information from the Indian frontier of the Sacramento and San Joaquin, that was not reported in the despatch above referred to, and no reason to apprehend that any important changes have taken place in our Indian relations on those frontiers. The emigration by the northern route is believed to have reached this country in safety, in consequence of the relief afforded them by the measures of Major-General Smith, without experiencing any great suffering on the route. The unusually early commencement of the rains will undoubtedly entail much suffering on the emigrants, for want of cover and the scarcity and high price of provisions and other necessities. The last of the emigration by the Gila route reached this country in an extremely destitute condition, and it is believed that many must have perished in crossing the desert, but for the timely assistance afforded by the command at the juncture of the Gila and Colorado. In the instructions originally given for the issue of rations to emigrants in a destitute condition, it was only intended that these issues should be made to those who would otherwise be unable to reach the settled part of the country, but upon the arrival of the emigrants at San Diego, there were no provisions that could be purchased, and many had exhausted all their means in reaching the country. Upon the representation of these facts, instructions were given, as has already been reported, to the commanding officer at San Diego, to sell to such as were able to purchase, and to issue to such as were destitute of the means of purchasing, in such quantities as would be necessary to prevent absolute suffering. These issues are intended to be temporary, but by the last steamer from the south I have learned that there are still at San Diego more than two hundred persons entirely destitute, unable to find employment, and unable to reach other parts of the country, and if these issues are not continued, great distress and possibly starvation must ensue, or the emigrants be forced by want to plunder the ranchos of the old inhabitants.

There is every reason to fear that the inhabitants of the older states, deluded by hopes that can never be realized, will continue to pour into this country beyond its capacity for employment and even of immediate support. It is therefore respectfully recommended that this subject be brought to the attention of Congress, with the hope that an appropriation be made to meet any further emergencies of this kind.

The supply of subsistence in this department is now about 150,000 rations, independent of the supply on hand at the division depot, where there is an equal amount. This will be amply sufficient, unless some extraordinary emergency should occur, to meet the wants of the service, if the supplies estimated for the ensuing year (estimated in October last,) be sent out in season to reach this country by the first of July, 1850. With a view, however, to sending the winter supplies to the interior parts as early in the season as possible, they should reach this country in May or June.

My views in relation to the force required in this country as recommended in my despatch No. 4, have not been changed since that report was made; but the rapid settlement of some portions of the country will necessarily induce some changes in the positions to be given the permanent ports, as indicated in my report to division head-quarters of June 11th.



The immense emigration to this country is now spreading itself over the valleys of the Sacramento and San Joaquin and their tributaries. Districts of country that three months ago had few inhabitants other than Indians are now comparatively densely populated, and troops, if required in these neighborhoods at all, will be needed for the protection of the Indians against the whites. If the emigration of the next year be at all in proportion to the past, very few troops will be needed west of the Sierra Nevada, except at the depots on the coast, and it will be necessary to establish troops in the trail leading into Oregon, and near the bounds of that territory on the great emigrant trail east of the Sierra Nevada, and in the valley of the Mohave, a considerable distance east of Los Angeles. These posts, when established, should be garrisoned by strong commands, and be composed of a mixed force of infantry and cavalry.

The increased importance given to the proposed post at the junction of the Gila and Colorado rivers by the large immigration by that route, and the hostile attitude assumed by the Yumas, will render necessary some modification of the command proposed for that post. At present, I do not think it necessary to send less than two companies, and as soon as the escort of the commission is dispensed with, I propose designating a company of cavalry and one of the strongest infantry companies for the garrison of that post. It is believed that the emigration by that route will commence unusually early, and this command will be held in readiness to move as early in the season as possible, in order to be in season to prevent any difficulties between the emigrants and the Indians. On the route across the desert, wells will be dug at convenient intervals and such other arrangements made as may be deemed necessary to facilitate the journey across.

In the South no difficulties have been reported except one or two instances of unauthorized interference with the Indians in the neighborhood of Jucapa, (south-east of Los Angeles.) The establishment of a military force in the neighborhood of the Cajon Pass, rancho del Chino, will, I trust, be sufficient to prevent a recurrence of these difficulties, and give protection to that frontier which has suffered considerably from the incursions of the Indian horse thieves.

As reported in my communication No. 13, a dragoon detachment will be sent early in the spring to the Upper Sacramento, for the purpose of establishing friendly relations with the Indians in the neighborhood of the Oregon and northern emigrant routes, and if possible, secure the murderers of Captain Warner, T. E., or inflicting some chastisement upon the tribe to which they belonged.

Efforts have been made both by General Mason and myself to ascertain the number of Indians inhabiting the frontiers of California, but thus far no satisfactory information has been obtained. I hope, however, to be able to report something more in my reports by the steamer of February first.

The situation of the Indians of this country is very peculiar, and demands the immediate and prompt action of the general government. In my report to the war department of October 15th, I recommended, as far as practicable, the Indians of this frontier should be concentrated in districts over which the United States should retain an exclusive jurisdiction. Since the date of that report many of the tribes or rancherias there referred to have been enveloped completely by a white population,

It is therefore a matter of doubt, whether it would not be advisable to change the usual policy of the general government, and to relinquish to the state authorities the control of the Indians thus situated. If the emigration to this state should be as great in future as it has been in the past four months, I apprehend that the districts then suggested for reservations may be found too near the settlements. In this connection I am happy to add that I have learned that there is now a much better feeling towards these Indians than existed a few months ago, and that the commission of outrages against them will not be tolerated by the better part of the inhabitants. Were it otherwise it would be impossible, with the small force now in the department, to secure these Indians from the aggressions of unprincipled whites.

It will be seen from my communication to the Adjutant-General, No. 42, in reply to several communications from his office, that I do not apprehend any serious loss from desertions in future; although it will probably be found, that if new troops arrive during the mining season, or from the middle of April to the end of October, a good many desertions will take place. I would, therefore, recommend that when recruits are sent to this country, they be dispatched from the Atlantic coast, so as to reach this department in one of the winter months; they will thus have an opportunity of learning the true state of affairs before the season of excitement returns.

In consequence of the diminished strength of the companies now in the department, and the determination of the War Department to send no recruits to this country, the services of the regimental officers, applied for in my communication to the Adjutant-General of June 30th, and who, I am informed by the Adjutant-General, will soon join me, can probably be more usefully employed elsewhere than here; and if they have not already left the Atlantic coast, I respectfully recommend that they be employed, and sent to this country with the first recruits that are ordered out. The services of the staff officers applied for are still deemed highly important, particularly those of the medical staff. Of those now in the department, Drs. Griffin and Murray reached this country soon after its occupation. Dr. Griffin has tendered his resignation, and the health of Dr. Murray is so much impaired, that I recommend that he should be relieved from duty in this country so soon as his place can be supplied.

The Junior Major of the 3d artillery has not reached this country, nor has anything been heard from him. The Arkansas emigrants have all, or nearly all, reached this country; but I have not yet learned whether the detachment of dragoons ordered to accompany them from New-Mexico, has or has not been ordered by Col. Washington. The failure of this detachment to arrive, will leave the dragoon companies in the department in a very weak condition.

Major-General Smith has not yet returned from Oregon, although I believe that his arrival is daily expected at San Francisco.

I have the honor to be, very respectfully,  
Colonel, your obedient servant.

(Signed)

B. RILEY,

*Brvt. Brig. Gen. U. S. A. Commanding the Department.*

Lieut. Col. W. G. FREEMAN,

*Asst. Adjt. Gen. U. S. A.*

*Head-Quarters of the Army, New-York.*

No. 1.

HEAD-QUARTERS, 10TH MILITARY DEPT.,  
*Monterey, Cal., January 3, 1850.*

GENERAL: I have the honor to transmit herewith the original proceedings of a general court martial, convened at the depot near Benicia, by department orders No. 40, series of 1849.

Very respectfully, general, your obedient servant,

B. RILEY,

*Brvt. Brig. Gen. U. S. A. commanding the Department.*

Major Gen. R. JONES,

*Adjutant General, U. S. A., Washington, D. C.*

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No. 3.

HEAD-QUARTERS, 10TH MILITARY DEPT.,  
*Monterey, Cal., January 22, 1850.*

GENERAL: I have the honor to acknowledge the receipt to-day of your communication of November 19, a copy of your letter of November 13 to Lieut. Col. Magruder, and of general orders No. 54 of 1849.

Very respectfully, General, your obedient servant,

B. RILEY,

*Brvt. Brig. Gen. U. S. A. commanding the Dept.*

Major Gen. R. JONES,

*Adjutant General, U. S. A., Washington, D. C.*

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No. 4.

HEAD-QUARTERS, 10TH MILITARY DEPT.,  
*Monterey, Cal., January 24, 1850.*

GENERAL: Repeated applications have recently been made by members of Col. Stevenson's regiment of New-York Volunteers, for the benefit of the provisions of the joint resolution of Congress, approved June 16, 1848, on the ground that in consequence of their being at remote points in the interior of the country, they were not apprised of the passage of this resolution, and of the instructions of the Secretary of War in relation thereto, until after the expiration of the limits fixed in department orders Nos. 25 and 33, series of 1849.

As these applications will now undoubtedly be made to the war department, I respectfully transmit herewith a roll of these volunteers to whom transportation has already been furnished.

I have the honor to be, very respectfully,

General, your obedient servant,

(Signed)

B. RILEY,

*Bvt. Brig. Gen. U. S. A. commanding the Department.*

Major Gen. R. JONES,

*Adjutant General U. S. A. Washington, D. C.*

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HEAD-QUARTERS, 10TH MILITARY DEPT.,  
*Monterey, Cal., January 24, 1850.*

Hon. GEO. W. CRAWFORD, *Secretary of War.*

SIR: I have the honor to acknowledge the receipt on the 21st inst. of your communication of December 11, 1849, and to state that I have di-

rected the relief of Brvt. Maj. Emory, T. E., in accordance with your instructions.

Major Emory, who is now here, finds himself much embarrassed by the want of instructions from the state department, and the determination of the commission for the boundary survey to adjourn to the Paso del Norte. The American commission having already signified to Maj. Emory that the escort to the commission may be dispensed with. This action of the commission does not appear to have been anticipated when your instructions were given, and I shall therefore keep the escort embodied under the command of the senior officer until more definite instructions are received. I have expressed to Maj. Emory the opinion, that when this adjournment takes place, his duties under the instructions from the state department as astronomer to the commission, will, necessarily, unless contrary instructions are received, take him with it to any point to which it may adjourn.

My correspondence upon this subject will be transmitted to general head-quarters by the steamer of the first proximo.

I have the honor to be, very respectfully, sir,

Your obedient servant,

B. RILEY,

*Brvt. Brig. Gen. U. S. A. commanding the Department.*

No. 5.

HEAD-QUARTERS, 10TH MILITARY DEPT.,  
*Monterey, Cal., January 29, 1850.*

GENERAL: I have the honor to transmit herewith a return of this department for November, 1849.

Very respectfully, your ob't servant,

B. RILEY,

*Brvt. Brig. Gen. U. S. A. commanding the Department.*

Major Gen. R. JONES,

*Adjutant General U. S. A., Washington, D. C.*

No. 7.

HEAD-QUARTERS, 10TH MIL. DEPT.,  
*Monterey, Cal., January 30th, 1850.*

COLONEL: I have the honor to transmit herewith my correspondence with Brvt. Major W. H. Emory, T. E., in relation to his being relieved from duty with the commission to survey and mark the boundary line between the United States and Mexico.

As Major Emory is acting in the double capacity of astronomer to the commission and commander of the escort, I have not felt myself authorised to give him any instructions beyond those indicated in the instructions of the secretary of war, and which are indicated in department special orders, No. 3, current series. It is probable, however, that the instructions of the secretary were given before the determination of the commission to adjourn to the Paso del Norte was known at Washington, and Major Emory has consequently felt himself embarrassed by the terms of these instructions, which looked to the completion of certain calculations before he could be relieved from the command of the escort.

Believing that the calculations referred to, by the secretary of war, were such only as were necessary for the immediate action of the commissioners, and that this action will be obtained when the commission adjourns. I have expressed to Major Emory, in replying to his application for more definite instructions, the opinion that unless he should receive contrary instructions from the state department, his duties as astronomer to the commission will necessarily take him with it, whenever it may go, and that he will in that event (the adjournment of the commission,) be fully authorised to relinquish the command of the escort. The American commissioner having already stated that it may be dispensed with. The final completion of Major Emory's calculations will require several months, and they should be made at some more favorable point than San Diego. It can scarcely be intended that he should retain the command of the escort until they are fully completed, when the action of the commissioners in relation to this part of the line will have been settled by their adjournment to another point.

My opinion relative to the difficulties to be encountered in prosecuting the survey beyond the Gila, from the side of the continent, has already been reported; if, however, no determination has yet been taken, I respectfully repeat the recommendation heretofore made, that the escort for the service be organized on the Atlantic side. Although the American commissioner has dispensed with the sciences of the escort, I shall, until further instructions are received, keep it embodied and in readiness for any service that may be required of it.

In acknowledging the receipt of the instructions of the Secretary of War, I have stated that my correspondence when this subject would be transmitted to general head-quarters, and I respectfully request, if the general-in-chief should deem it of sufficient importance, it may be referred to the war department.

I have the honor to be, very respectfully, Colonel,

Your obedient servant,

(Signed)

B. RILEY,

*Brvt. Brig. Gen. U. S. A. commanding the Department.*

Lt. Col. W. G. FREEMAN,

*Asst. Adjt. Gen. U. S. A., Head-Quarters of the Army, New-York.*

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*San Diego, Cal., 9th January, 1850.*

DEAR SIR: The appropriation made by congress to run and mark the boundary between the United States and Mexico, is now entirely exhausted, and as it is impracticable to advance on the line from this direction, the military escort detailed to accompany the commission is no longer required.

Very respectfully, your ob't servant,

(Signed)

JOHN B. WELLER,

*U. S. Commissioner.*

Maj. WM. H. EMORY,

*Commanding Escort, &c.*



HEAD-QUARTERS, 10TH MILITARY DEPT.,  
Monterey, Cal., January 22, 1850.

MAJOR: The papers referred by you to department head-quarters, have been submitted to the Brigadier-General commanding, by whom I am instructed to say, that in his opinion, any orders affecting the escort of the boundary commission beyond those directed by the Secretary of War, would be premature, and might probably conflict with instructions to you from the state department. By referring to the instructions of the Secretary of War, it will be seen that they were issued but two days before the departure of the last mail from the Atlantic coast, and that in all probability, the change in the determination of the war department not to receive you, as expressed in the communication to you from the Secretary of State of November, and not known in season to send you instructions by the last steamer. There is, therefore, every reason to suppose that definite instructions are now on their way to you. If, however, such instructions should not be received within a reasonable time, you are directed to report the fact for the information of the commanding general, who will then feel himself authorized to give instructions in accordance with your suggestion, and if the escort should be longer required by you, will make such a disposition of it in advance of San Diego as may be needed there, and at the same time render it perfectly available for the commission, if requisite, at any future time.

The general directs me to add the expression of his gratification that you have been able, under the difficulties by which you are surrounded, (and they were such as can only be appreciated by those who have been eye-witnesses,) to keep up the organization and discipline of the escort, and render it equal to the purposes for which it was organized, and his thanks for the valuable information furnished him by yourself and the officers of your command.

I have the honor to be, very respectfully,

Your obedient servant,

E. R. S. CANBY,

A. A. Gen. 10th Mil. Dept.

Bvt. Maj. W. H. EMORY,

*Commanding Escort of Boundary Commission.*

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Monterey, January 27, 1850.

MAJOR: The letter of the U. S. Commissioner for "running and marking the boundary between the United States and the Republic of Mexico," dated January 9th, 1850, exhibits to you his views in reference to pushing operations from this side. I have every reason to believe that the Mexican Commissioner entertains the same views, and that the joint commission will, in a few days, if it has not already done so, adjourn to meet at the "Paso del Norte."

The instructions which I have had the honor of receiving do not entirely meet this case, for should the commission adjourn, my present instructions would seem to indicate that I should remain with my astronomical party and assistants at San Diego until further instructions are received from the department, or until certain calculations are completed. This would embarrass the operations of the commission, as no time



is to be lost in placing both astronomers and instruments on the other side of the continent, within the reach of the "Paso del Norte," otherwise the whole entire season will be lost, and the operations put back one year.

I have therefore respectfully to suggest to the general commanding, that in the event of the commission adjourning as above indicated, and no instructions to the contrary be received from Washington before the 1st of March, that he shall instruct me on that day to turn over the escort and proceed to the Atlantic side, where it will be necessary to organize and prepare the necessary outfit for operations on the southwestern boundary of New Mexico.

It is contemplated by the commissioners to delegate to an officer from each side the completion of the small unfinished portion of the work to be done in this department. An escort of two non-commissioned officers and thirteen privates would, in my judgment, be sufficient for the officer to be selected on our side; and if the general would be pleased to direct it, the escort might be drawn from the nearest post. The opinion of the sufficiency of this force is based on the supposition that a military post is to be established at the junction of the Gila and Colorado.

There is in my custody a large amount of valuable property (chiefly astronomical instruments). The United States commissioner is now, and has been for some time, out of funds and unable to furnish me the means of protecting this property; as commander of the escort, I have had at my control means which enable me without injury to the military service to protect it.

When I relinquished the command, the quartermasters of the army, with every disposition to accommodate, may not consider themselves authorized in extending these facilities, and I would thank the general commanding to give instructions to the quartermasters at San Diego and San Francisco, to extend such facilities to the officer I design to place in charge of these instruments, as may be needed for their security and protection.

I am, major, very respectfully,

Your obedient servant,

(Signed) W. H. EMORY,

*Brev. Major, Comdg. Escort Bdy. Commission.*

Major E. R. S. CANBY,

*Asst. Adj. Gen., 10th Mil. Dept.*

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HEAD-QUARTERS, 10TH MIL. DEPARTMENT,  
Monterey, Cal., Jan. 28, 1850.

MAJOR: Your communication of yesterday has been submitted to the commanding general, by whom I am instructed to say that it is of course not in his power to give you any instructions affecting your duties as astronomer to the commission, but it is his decided opinion that should the contingency you anticipate (the adjournment of the commission to the Paso del Norte) occur, it will be your duty, as astronomer to the commission, to accompany it, or to repair to any point to which it may adjourn, and without the necessity of any military order. Department Special Orders, No. 3, issued in accordance with the instructions of the Secretary of War, an extract from which is herewith en-

closed, and the letter of the American commissioner of the 9th inst. will, in this event, fully authorize you to turn over the command of the escort, should you receive no contrary instructions from the state department, for the adjournment of the commission must be regarded as settling its "action" in the respect contemplated by the Secretary of War. The commanding general feels assured, however, that you will receive instructions from the state department, by the next steamer, that will relieve you from any embarrassment in this respect.

Should an officer be left in this country to complete the marking of the boundary line, instructions will be given in accordance with your suggestion to furnish him with a sufficient escort.

Instructions will also be given to the acting quartermasters at San Francisco and San Diego, to furnish all necessary assistance to the officer that may be designated by you for the security and preservation of the astronomical instruments referred to in your communication.

The sum of \$5,000 will be sent to the quartermaster of your command as soon as funds can be received from the quartermaster at division head-quarters.

Very respectfully, your obedient servant,

E. R. S. CANBY,

*Brev. Major, Asst. Adj. General.*

To Major W. H. EMORY, T. E.

*Comdg. Escort Bdy. Commissioner, Monterey, Cal.*

No. 8.

HEAD-QUARTERS, 10TH MIL. DEPT.,  
*Monterey, Cal., January, 31st, 1850.*

COLONEL: Since the date of my report No. 18, (of 1849) no material changes have occurred in the state of affairs in this department. The communication with the interior continues to be greatly interrupted by the heavy rains, and disastrous floods have occurred upon the Sacramento river and some of its tributaries. No reports have been received from the command on Bear Creek since December 16th, at which time Capt. Day, 2d infantry, expressed some apprehensions of difficulties between the settlers and the Indians in the vicinity of his post. His force is amply sufficient to meet any of the emergencies anticipated by him.

The enclosed copy of a report from Lieut. J. W. Davidson, 1st Dragoons, will furnish you with the history of some outrages committed by the Lake Indians, north of Sonoma, and the measures taken by him to apprehend the aggressors. His suggestions in regard to future operations against these Indians will be adopted and acted upon as soon as the return of favorable weather will permit it. In this instance, as in almost every other that has occurred in this country, the outrage has been prompted by the desire of being avenged for previous aggressions committed by our own people.

Complete security to this part of the frontier cannot be given until a military post is established, as heretofore recommended, upon the Laguna, in the immediate vicinity of the Indians, and with a view to this, I shall direct the selection of the proper position upon the arrival of a topographical engineer, who is now expected.

In my report No. 13, I asked that a company of artillery might be

sent to San Diego, with a view to the construction of a temporary battery at that place, and also to the employment of the infantry, now at that place, in the interior of the country. It is seen that company "I" 1st artillery, has been ordered to San Francisco, as I had previously recommended that the garrison of the post at San Francisco should be composed of two companies of artillery. I shall not designate the station of company "I" until I have heard from my application of November 30th.

The battery sent out with this company will be entirely useless without American horses, as the horses of this country have been found by experience to be entirely too light for artillery or cavalry purposes, and I respectfully recommend that horses for these arms be supplied from the Western states, where suitable animals can be obtained at one-half the cost of very inferior animals in this country.

I respectfully recommend, also, that the posts of San Diego, Benecia, Sonoma, Camp Far West, the post now being established at the Cajon Pass rancho del Chino, the post to be established on the Lake Buenavista and at Warner's Pass, or the junction of the Gila and Colorado rivers, be placed upon the list of double rationed posts, and that the general-in-chief be requested to give names to the three places last mentioned.

Very respectfully, Colonel, your ob't servant,

B. RILEY,

*Brev. Brig. Gen. U. S. A., Com'dg. the Dep't.*

Lieut. Col. W. G. FREEMAN,

*Asst. Adj't. General, Head-Quarters of the Army, West Point, N. Y.*

*Sonoma, California, January 6th, 1850.*

MAJOR: I have the honor to report as follows for the information of the commanding general:

On the 25th of last month I received information from Mr. Benjamin Kelsey, that his brother Mr. Andrew Kelsey, and a young man named Stone, residing with him, had been murdered on the farm of the former, by the Indians in its vicinity. This farm is situated upon the shore of Clear Lake, about 70 miles from Sonoma. I started on the morning of the 26th, taking with me Lieut. Wilson, 1st Dragoons, and a detachment from the squadron of twenty-two men, for the scene of the murder. After the 1st day's march, anxious to reach the farm as early as Mr. Kelsey, who had set out the day he gave me the news, I separated from the command with a small party and Mr. Carson as guide. On my way out I met the family of Mr. Anderson, who lives about 15 miles below Mr. Kelsey, on the lake, driving in their stock of every description, and abandoning their farm, for fear of an attack from the Indians. I reached Mr. Kelsey's the third day out, about 12 o'clock, the heavy roads preventing us from riding faster, where I found Mr. Kelsey had already arrived with a party of 15 armed citizens, which he had collected. Things were as they had been reported to me. The body of Mr. Stone was found in a vat, covered with hides, and shockingly mangled. The house was robbed of everything it contained, and the rancherias abandoned. We gave the body of Mr. Stone as decent a burial as circumstances will permit. Whilst engaged in this, a party of 12 Indians of the Isla

tribe, who live upon the lake, were captured by us, and would undoubtedly have been put to death by Kelsey's party, had not the presence of an officer restrained them. I moved about two miles from the house to camp accompanied by Kelsey's party, who placed themselves under my orders, taking with me these Indians. Upon examining them they said they had nothing to do with the murder, but knew that two chiefs of the tribe, which lived upon Kelsey's farm, were on an island in the lake, and they could tell us all about it. I then told three of them they must go to this island and bring the two chiefs to me, and that I would retain the remaining nine as hostages for their re-appearance, either with these chiefs or a good reason for not bringing them. They said it was good, and started apparently to do so. I then disarmed the remaining nine, and told them sentinels were placed over them to prevent their escape, until the return of these three, and if they attempted it they would be fired into. The three set off, lurked among the chemical hills, as we afterwards ascertained, until they supposed all quiet, when they gave a signal, and the nine started to their feet and ran. They were promptly fired into by the dragoon and citizen sentinels, and three of their number fell, who died the next day; during the night Lieut. Wilson arrived with the command at the house, where I joined him the next morning, and we then proceeded to examine the trails of the Indians, and finding many leading south, on the lake, we followed the main one, and found that the Indians had eluded us by getting on an island, about 300 yards from shore. The condition of our horses, want of tools, and in fact there being no timber around us which would float, prevented our rafting to the island. They refused all intercourse with us, although every offer was made them consistent with propriety, if they would give up these two chiefs. I then told them it was their last chance, and they must now look out for the chastisement deserved. They said "it was good if we could catch them." The command then returned to the farm, where after search, the body of Mr. Kelsey was found and buried. He was killed with five wounds, two of arrow wounds. We remained until Mr. B. Kelsey could collect such of his stock as would drive, and escorted him into the settlements. From the information I can get on the subject, there is no doubt but all the Indian tribes upon the lake are more or less concerned in this atrocious murder. They have had heretofore a secure retreat in the islands upon the lake, of which there are several, and use boats made of atule, of which they have a great many.

The following plan is respectfully submitted by Lieut. Wilson and myself for the effectual chastisement of these tribes. Two parties of thirty men each, one on the N. E. and one on the S. W. shore of the lake, acting conjointly by signal, can drive them from the country lying on the lake to these islands. If then, two or three boats, capable of carrying ten men each, are put upon the lake at the southern extremity, secretly, they can easily, at night, if managed with caution, surprise them in their rancherias, and cut them to pieces. Mr. Carson says there is a good road by which these boats can be transported upon the running-gear of wagons from Napa to the southern extremity of Clear Lake; and if, at the same time, a party of fifty strong could be sent up Russian River, (the head of which is near the northern extremity, and forms another retreat for these Indians,) they would completely be hemmed in. I mention numbers, because from the best authorities, the tribes on the lake can

raise from four to six hundred warriors, and those on Russian River much more. I have made this report thus long, that the General may have all the information that I can obtain. I must take this opportunity of mentioning to the commanding general the valuable services of Mr. Moses Carson, who, when a march was made through this country by Capt. Smith, 1st dragoons, in September, volunteered his services as a guide, refusing any remuneration from the U. States for them, and when he learned of this scout, came and offered them to me, upon the same terms, which I most gladly accepted.

I am, sir, very respectfully, your obedient servant,  
(Signed) J. W. DAVIDSON,

*1st Lieut. 1st Dragoons, Commanding.*

Major E. R. S. CANBY,  
*Asst. Adj. Gen. Monterey, Cal.*

No. 6.

HEAD-QUARTERS, 10TH MILITARY DEPARTMENT,  
*Monterey, California, February 1, 1850.*

GENERAL: I have the honor to report that since the date of my report, No. 43, (of 1849,) the following papers, in separate packages, have been mailed for transmission to your office, viz.:

1. Proceedings of a general court martial at the depot near Benicia, Cal., January 3.

2. Department orders, Nos. 1, 2, 3, 4 and 5, and special orders 1 and 2, current series, by the steamer of January 16.

3. Letter of acknowledgment, No. 2.

4. Report of the Judge Advocate of the general court martial, for the trial of 2d Lieut. M. K. Stevenson, 7th infantry, (Letter No. 3.)

5. Roll of New-York Volunteers, furnished with transportation home, (Letter No. 4.)

6. Department return for November, 1849, (Letter No. 5.)

7. Department orders No. 6, 7 and 8, and special orders 3, 4 and 5, current series, and circular of January 15th.

Very respectfully, your obedient servant,

B. RILEY,

*Bvt. Brig. Gen. U. S. A., Com'dg the Dep't.*

Maj. Gen. R. JONES,

*Adj. Gen. U. S. A., Washington, D. C.*

No. 7.

HEAD-QUARTERS, 10TH MIL. DEPT.,  
*Monterey, California, February 12th, 1850.*

GENERAL: I have the honor to transmit herewith the copy of a lease made by Capt. Keyes, 3d artillery, of a portion of the public reservations at San Francisco. The copy of this paper intended to accompany my communication of December 28, 1849, (No. 41,) was mislaid by the gentleman to whom it was entrusted, and the second copy was received but a few days since. I request that it may be filed with the papers transmitted with the report above referred to.

Very respectfully, general, your obedient servant,

B. RILEY,

*Bvt. Brig. Gen. U. S. A. Commanding the Department.*

Maj. Gen. R. JONES,

*Adj. Gen. U. S. A., Washington, D. C.*



This indenture, made this 27th day of November, in the year of our Lord one thousand eight hundred and forty-nine, by and between Capt. E. D. Keyes, United States Army, commanding at San Francisco, Upper California, and John B. Steinberger, of the same place, witnesseth:

That the said E. D. Keyes, on the part and in behalf of the United States, doth hereby lease, demise and let unto the said John B. Steinberger, all those lots, parcels and blocks of ground in the said town of San Francisco, known and indicated on the map of said town as "government Reserve," which are embraced between Broad-street on the north, Pacific-street on the south, Sansom-street on the west, and on the east by the limits of the town on the side of the water: To have and to hold the same to him, the said John B. Steinberger, his executors, administrators and assigns, to his and their use, for and during the full term of ten years from the day of the date hereof, on the terms and conditions that the said John B. Steinberger shall pay therefor the yearly rent of three thousand dollars during said term, in the manner hereinafter provided. And the said Capt. E. D. Keyes, for and in behalf of the United States, covenants with the said John B. Steinberger, his executors, administrators and assigns, that he and they may, and shall occupy these hereby leased premises during the term aforesaid, peaceably and quietly, and free from all claims or demands from the United States. And the said John B. Steinberger, for himself, his executors, administrators and assigns, does covenant with the said lessor, that he, the said lessee will pay to the said lessor, yearly, the sum of three thousand dollars to the said E. D. Keyes, for the use and benefit of the United States, or to his successor in office, or other person duly authorised to receive it. And the said John B. Steinberger agrees to acquire for, and surrender to the United States, at the expiration of his lease, all titles and claims belonging to or held by other persons, in and to the whole or any part of said premises, to pay all taxes and assessments which may be laid upon the premises by the proper authorities; to surrender to the United States, whenever called on to do so, one lot or parcel of ground embraced in this indenture, two hundred and fourteen feet long, and one hundred and twenty feet broad, said lot to be located on Broad-street, and to commence sixty feet east from Battery-street, having its greatest length on Broad-street: said lessee being allowed not less than sixty days to remove his buildings from said lot whenever it shall be required for the use of the United States. The said Steinberger agrees honestly and faithfully to defend and protect the rights and interests of the United States in and to all and every part of the lands embraced in this lease. But if it shall be decided by the proper tribunals, that any other person or persons possess a valid and *bona fide* title to any portion or portions of them, and if such person or persons shall now have or shall obtain legal possession thereof; then, and in such case, the portion or portions of the land so claimed and obtained shall be considered as not included in this indenture of lease, this indenture holding good with its conditions to all other portions and parts of the premises herein described. In default of the payment of the three thousand dollars aforesaid, within the year for which it shall become due, this lease to become null and void, and the lessee shall surrender to the United States the land as herein described and leased, at the expiration of ten years the premises to be surrendered peaceably to the United States. The said lessee reserving to



himself the right, at the expiration of the ten years, to remove all his buildings ; but he is to make no claim against the United States for excavations and embankments, which he or his successors may have made or put upon the premises. The said Steinberger agrees not to allow any person, whatsoever, to participate in the uses or profits of these said premises, who does not fully and without reservation or predisposition of his claims, subscribe to all the conditions and exceptions of this lease.

In witness whereof, the said parties have hereunto set their hands and seal, on the day and year first above written.

(Signed) E. D. KEYES, [Seal.]  
*Capt. 3d Art'y, Commanding at San Francisco, Upper Cal.*  
 (Signed) JOHN B. STEINBERGER. [Seal.]

Witness.

(Signed) T. BUTLER KING.

TERRITORY OF CALIFORNIA,  
*District of San Francisco, November 20th, 1849.*

Personally appeared the above named E. D. Keyes and John B. Steinberger, and the persons who signed the foregoing instrument, and individually acknowledged the same to be their free act and deed, before me.

I certify that the above is a correct copy of the copy furnished by Capt. Keyes, 3d artillery.

E. R. S. CANBY,  
*Assistant Adjutant General.*

*Head-Quarters, 10th Mil. Dept. February 12th, 1850.*

No. 8.

HEAD-QUARTERS, 10TH MIL. DEPARTMENT,  
*Monterey, Cal., Feb. 23d, 1850.*

GENERAL : I have the honor to acknowledge the receipt of general orders, No. 58, of 1849, and a copy of your communication of January 3, 1850, to Brvt. Maj. Patrick, 2d infantry.

Very respectfully, general, your obedient servant,

B. RILEY,  
*Brev. Brig. Gen. U. S. A., Comdg. the Dept.*

Maj. Gen. R. JONES,

*Adj. Gen. U. S. A., Washington City.*

No. 11.

HEAD-QUARTERS, 10TH MIL. DEPARTMENT,  
*Monterey, Cal., Feb. 28, 1850.*

COLONEL : I have the honor to transmit herewith, for the information of the general-in-chief, a report from Major Emory, T. E., announcing the final action of the boundary survey in adjourning to the Paso del Norte. I have in consequence directed the enlisted men on detached service with the escort to join their proper companies, and until the escort is finally dispensed with, will employ it on the line between San Diego and the junction of the Gila and Colorado rivers. Instructions have accordingly been given to advance the escort to Agua Caliente,

(Warner's Pass,) an important position on the lower route to the Colorado, where, if the adjournment of the commission should not be concurred in, it will be in readiness for any ulterior operations that may be directed.

The command intended for the post in the neighborhood of the Tulares will move as soon as the state of the roads will permit it. The infantry company for the post in the vicinity of the Cajon Pass (Rancho del chino) has also been designated.

Dr. Booth, late assistant surgeon of the late 10th infantry, was ordered to California with the command of Brevet Major Graham, 2d dragoons, by Major General Wool. I respectfully inclose a copy of a communication written to Dr. Booth by direction of Colonel Mason, explanatory of his position here. He was discharged Dec. 28, 1849, by instructions from the Secretary of War.

The acting military storekeeper (ordnance department) at this place has tendered the resignation of his appointment, and I respectfully renew my application for an officer of the ordnance department. The large amount of ordnance stores at this place and San Francisco render it important that the depot should be under the charge of an experienced officer. If no officer of the ordnance department can be spared, I respectfully recommend that I may be authorized to assign a line officer to this duty.

Upon learning that no medical officers could be sent to this country, instructions were given the medical director to ascertain and report upon what terms medical services could be obtained for the posts of Sonoma, Benicia, and San Francisco; with a view to sending the medical officers at those posts into the interior, and supplying their place by the employment of citizens. The recent assignment of Assistant Surgeons Campbell and Abbott will in part obviate the necessity of doing this. The reports furnished by the medical director have just been received, and for the purpose of exhibiting the extravagant rates of compensation in this country, I respectfully transmit copies of these reports for the information of the general-in-chief.

If Assistant Surgeon Hewitt should recover his health, there would still be no more medical officers in the department than will be absolutely required for the different posts. I have heretofore recommended that there should be one or two more than that number, and I now respectfully repeat the recommendation.

The reports of desertions for the month of January exhibit an increase on that of the previous month, the loss by desertion being for that month ten. Several of these, however, had occurred in previous months; the reports of which were only received in time to be included in the January reports.

The assignment of Major Emory to this department will enable me to make, early in the spring, the location of the permanent posts required by the 111th paragraph of General Orders, No. 49, of 1848, and I design proceeding to the south upon this duty by the April steamer, returning to this place by land, and visiting on my route the military positions on the eastern frontier.

I again respectfully call the attention of the general-in-chief to the want of officers of the quartermaster's department. There are only two of that class on duty with my command, Brevet Major McKinstry and Captain Horne, and the former is under charges preferred by Major

Emory, which the interests of the service require should be investigated as soon as a court-martial can be assembled for that purpose.

I have the honor to be, very respectfully, colonel,

Your obedient servant,

B. RILEY,

*Brev. Brig. Gen. U. S. A., Comdg. the Dept.*

To Lieut. Col. W. G. FREEMAN,

*Asst. Adjt. Gen. U. S. A., Head-Quarters of the Army, New-York.*

PRESIDIO OF SAN FRANCISCO,

*February 10, 1850.*

SIR: In reply to your communication of January 3d, in reference to private physicians, I would state that I know of none who would be willing to remain permanently at this post, and that the charge for a visit would be from \$30 to \$50, the former sum being the least asked by those with whom I have conferred. Being well acquainted with the rates charged in San Francisco for professional services, I should conceive \$30 a fair charge for a visit to this post.

I am, sir, very respectfully,

Your obedient servant,

GEORGE F. TURNER,

*Brev. Major Ed. R. S. CANBY,*

*Assistant Adjutant-General, Monterey, Cal.*

*Surgeon, etc.*

POST NEAR BENICIA, CALIFORNIA,

*13th February, 1850.*

SIR: I have the honor to acknowledge the receipt of the order from General Riley, dated 25th January last, in relation to ascertaining the price per month for which the services of a competent physician can be procured to perform the duties of Assistant Surgeon at this post. Your communication was not received until the 7th inst., so that I have not been able to answer it so promptly as I wished. I have spoken to two physicians, (the only ones to be found here,) who state the service to be worth *seven hundred dollars per month*, and the resident, Dr. Peabody, is not determined whether he would engage to do the duty required for this amount.

I have the honor to remain

Your obedient servant,

C. P. DYERLE,

*Dr. G. F. TURNER,*

*Surgeon U. S. A. and Med. Director, San Francisco.*

*Assistant Surgeon U. S. A.*

*Sonoma, February 14th, 1850.*

SIR: I have the honor to acknowledge the receipt of your circular, directing me to ascertain at what price a citizen surgeon could be employed to perform the duties of assistant surgeon at this post.

Four hundred dollars per month is the lowest price; and in case of

being obliged to leave the town, five dollars a mile in addition to the monthly pay.

I am, sir, most respectfully,

Your obedient servant,

JOHN S. GRIFFIN,

*Assistant Surgeon U. S. A.*

Surgeon GEORGE F. TURNER,

*U. S. A. Med. Director, 10th Mil. Dept., San Francisco, Cal.*

*San Diego, Cal., February 18th, 1850.*

MAJOR: I have already communicated the letter of the American commissioner for running and marking the boundary between the United States and Mexico, stating that it was deemed impracticable to push operations from this side, and that the escort would be no longer required.

I have this day received notification that the joint commission have adjourned to meet at the Paso del Norte, on the first Monday in November next, and that my presence there will be required.

A joint resolution of the commission has also imposed upon me the necessity of revisiting the line in this vicinity, in company with the Mexican astronomer and surveyor. This duty I shall have accomplished by the 1st of March, on which day I shall, in compliance with Department Special Orders, No. 3, and your letter of the 28th January, turn over the command of the escort to the senior officer present.

Brevet Captain Hardcastle has been designated by the joint commission to place the monuments upon the line, and will be left here by me for that purpose. When he is prepared to take the field, which cannot be before next fall, I will thank the general commanding to furnish him with the small escort indicated in my letter of January 27th.

I am, very respectfully, major,

Your obedient servant,

W. H. EMORY,

*Brev. Major Comdg. Escort Bdy. Commission.*

To Major E. R. S. CANBY,

*Asst. Adjt. Gen., Head-Quarters, 10th Mil. Dept., Monterey, Cal.*

HEAD-QUARTERS, 10TH MIL. DEPARTMENT,

*Monterey, Cal., February 21st, 1850.*

SIR: Your letter of January 29th is this moment received, and in answer I am directed to say to you that General Orders, No. 36, of July 7th, 1848, herewith inclosed, continues you in service until you are "duly notified of your discharge." The exhibition of these orders to Major Hill, paymaster, will remove any doubts he may have entertained as to your position as an officer of the army.

Very respectfully, your obedient servant,

W. T. SHERMAN,

To W. L. BOOTH,

*Assistant Surgeon U. S. A.*

*1st Lieut. 3d Art., A. A. A. General.*

No. 9.

HEAD-QUARTERS, 10TH MIL. DEPARTMENT,  
*Monterey, Cal., March 1st, 1850.*

GENERAL : I have the honor to report that the following packages have been mailed to your address since the date of my letter of advice, No. 6, viz. :

1. Letter No. 7, of transmitted.
2. " " 8, of acknowledgment.
3. Copies of department orders, Nos. 8 and 9 ; department special orders, Nos. 6, 7, 8, 9, 10 and 11, current series, and copy of circular of February 21.

I respectfully request that fifty blanks, for department returns, may be sent to me by the earliest opportunity. A portion of those heretofore received, have been sent to the commander of the 11th military department.

Very respectfully, general, your obedient servant,

B. RILEY,

*Brev. Brig. Gen. U. S. A., Comdg. the Dept.*

Maj. Gen. R. JONES,

*Adj. Gen. U. S. A., Washington, D. C.*

No. 10.

HEAD-QUARTERS, 10TH MIL. DEPARTMENT,  
*Monterey, Cal., March 2, 1850.*

GENERAL : I have this moment learned from San Francisco, that strong efforts are being made by a number of individuals, (a large proportion of them foreigners, to forcibly occupy the government reserves in and near that town, in order to secure pre-emption to the land. These squatters have been several times removed by Capt. Keyes, in obedience to my orders, but have as often returned, and attempted to resume possession. The military reserves were selected and laid off by competent officers some three years ago, under the direction of my predecessors, Generals Kearney and Mason, and have ever since been held and occupied by the military forces, or by agents of the military department of the general government. These reserves were laid off from the public domain, and are deemed necessary for the use of the government, as sites for fortifications, arsenals, store-houses, custom-house, &c., and if now allowed to fall into the hands of private speculators, they must eventually be purchased back at an enormous cost, as lands in this vicinity are now exceedingly valuable.

I am informed that a large number of these squatters and speculators have banded together for the purpose of removing the military forces and government agents from the reserves, and it is highly probable that representations will be sent home in this steamer to the authorities at Washington, for the purpose of procuring a disapproval of the course pursued. The officers here are endeavoring to secure these reserves by the forcible ejection of the squatters.

I hope to be prepared to report by the next steamer more fully upon this subject. In the meantime, I would recommend that orders be issued from the war department, directing officers in this country to secure and protect these reserves.

Very respectfully, your obedient servant,

B. RILEY,

*Brev. Brig. Gen. U. S. A., Comdg. the Dept.*

Maj. Gen. R. JONES,

*Adj. Gen., Washington, D. C.*



No. 11.

HEAD-QUARTERS, 10TH MIL. DEPARTMENT,  
*Monterey, Cal., April 1, 1849.*

GENERAL: I have the honor to report that since the date of my letter of advice, No. 9, the following papers have been transmitted to your office.

1. Copies of department orders Nos. 11, 12 and 13, and department special orders Nos. 12, 13, 14, 15, 16 and 17, current series.

Very respectfully, general, your obedient servant,

B. RILEY,

*Brvt. Brig. Gen. U. S. A., Commanding the Department.*

Major-General R. JONES,

*Adjutant-General, Washington, D. C.*

HEAD-QUARTERS, 10TH MIL. DEPT.,  
*Monterey, California, November 1st, 1849.*

MAJOR: In consequence of the continued absence of General Smith, and the pressure of business consequent upon the late arrival of the steamer from Panama, the commanding general is unable at present to leave Monterey. He accordingly directs that proceed with such arrangements as may be necessary to put your command under cover for the winter. As this will be a departure to some extent from his instructions from Washington, he desires that the provision to be made by you be limited to that which is absolutely and immediately necessary.

The general is greatly concerned at your failure to receive the supplies estimated for by you in August last, and has written to the quartermaster at Benicia in relation to them. If they have not already been sent, he will cause them to be sent immediately.

He desires me to say, that he is exceedingly solicitous about the emigrants by the Gila route, and hopes that you have taken measures to prevent suffering from the want of provisions.

Should there be emigrants at San Diego in actual want, you are authorized to sell to them in limited quantities, taking care that this be done only to relieve immediate wants, and that it be discontinued as soon as they can supply themselves from other sources.

None of the monthly papers due from your post for the month of September have been received. The commanding general directs that they be forwarded by the first opportunity.

Instructions with regard to public lands at San Diego will be sent you by the first opportunity.

Very respectfully, major, your obedient servant,

EDWARD R. S. CANBY,

*Assistant Adjutant General.*

To Major S. P. HEINTZELMAN,

*2d Infantry, Com'dg &c., San Diego, Cal.*

HEAD-QUARTERS, 10TH MIL. DEPT.,  
*Monterey, Cal., Nov. 1st, 1849.*

MAJOR: Your several communications and the accompanying papers have been received and submitted to the commanding general, who di-



rects me to say in reply to your communication of the 24th inst., that he fully approves the course pursued by you for the relief of the emigrants by the Gila.

In anticipation of these occurrences, Major Heintzelman was authorized some time since to take any measures that he might deem necessary to throw forward supplies to meet the emigrants. As indicating the manner in which this relief is to be given, I enclose a copy of his instructions, and also, an extract from a communication to him of this date.

From information derived from several sources, your communications being one of them, the commanding general does not anticipate any trouble with the Indians, if a proper degree of forbearance be exercised by the emigrants.

It is not known that measures have been adopted by Major Heintzelman for the relief of the emigrants; but it is highly important that there should be an entire co-operation in any measures that may be adopted, and with this view he will be furnished an extract from this.

Of the two detachments of dragoons from departments 8 and 9, that are now supposed to be at San Diego, one has been directed to report to Major Heintzelman, with a view to filling up Lieut. Cout's company to legal standard. This will be available as an escort for any provision's train that may be sent out to meet the emigrants.

The general regrets that in consequence of the pressure of business consequent upon the late arrival of the steamer, he has as yet been unable to give to the interesting papers transmitted by you the attention they deserved, but that he will write more fully in a day or two.

Very respectfully, major, your obedient servant,

ED. R. S. CANBY,

*Assistant Adjutant General.*

To Major W. H. EMORY,

*Com'dg Escort to Boundary Commission, San Diego, Cal.*

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HEAD-QUARTERS, 10TH MIL. DEPT.,  
Monterey, Cal., Nov. 2d, 1849.

COLONEL: I have the honor to report for the information of the commanding general, the following particulars, abstracted from several reports from Major Emory, T. E., and Lieut. Ord. 3d artillery; the former furnished in accordance with my request of September 26th, and the latter in obedience to instructions from department head-quarters of October 1st.

The complaints of the emigrants by the Gila River, in relation to Indian depredations on that river and the Colorado, I am satisfied are greatly exaggerated, and when they have occurred, have been prompted by previous aggressions on the part of thoughtless or unprincipled whites.

The disposition, however, of the Yumas, is such that troops will be necessary at the mouth of the Gila to protect any future immigration by that route; and as a secondary point of great importance, another military post should be established as soon as possible, at or near the "Pimas Village." For the present season, the presence at the mouth of Gila, of Lieut. Cout's command, about eighty effective (including a

portion of the employers of the commission) will give sufficient protection for the immigration of this year. Lieut. Coutts will remain at this present position until about the middle of December, before which time, I am convinced, from several sources of information, that the whole of the immigration for this year will have crossed the desert.

I hope to be able early next spring to make the establishment at the mouth of Gila permanent.

Many of the emigrants by the Gila River have arrived as was expected, in a very destitute condition. In anticipation of this emergency, instructions were in September last given to the commanding officer at San Diego, to throw forward provisions to meet them. Lt. Coutts, at the mouth of the Gila, has very properly and promptly anticipated these instructions, and afforded to the destitute such relief as was absolutely necessary. The complaints of the outrages committed by the Indians in the neighborhood of Los Angeles were also found by Lieut. Ord. to be exaggerated, but still of sufficient magnitude to render the establishment of a small force in that neighborhood for pressing necessity. As the best position for this force, the Rancho del Chino has been selected, and quarters have been hired at that place for the winter. So soon as I am advised of the arrival at San Diego of the detachment of dragoons on the march to this department as the escort of the Arkansas emigrants, one of the companies now at San Diego, will be sent to the Rancho del Chino. The commissary at the department headquarters has been instructed to send to San Pedro, the Port of Los Angeles, provisions for one company for the winter.

From the complexion of the information first received, I apprehended that the post at the Cajon pass, recommended in several communications from department headquarters, may not be sufficient to give entire protection to that frontier, for there are two or three subordinate passes through which the well-mounted Indian horse thieves may make their incursions and escape with impunity.

Mr. Collier, collector of this district, crossed the Colorado on the 16th of October, and was hourly expected at San Diego, at the date of the last advices from that place.

I regret the necessity of reporting, that the officer in command of his escort, Brvt. Capt. Herman Thorn, 2d artillery, was drowned on crossing the Colorado on the 16th.

I have been unable, in consequence of the pressure of business, to make my anticipated visit to San Diego, and have, in consequence, authorized the commanding officer at that place to make provision to shelter his command during the winter. The buildings in which it is now quartered, are required by their owners, who are bringing their families into the town for the winter. No quarters can be obtained; the mission is so dilapidated that it cannot be used, and the most economical provision that can be made, will be the occupation of one or two of the hide-houses on the beach for barracks, and the erection of one building for officers' quarters.

Very respectfully, your obedient servant,

(Signed)

B. RILEY,

Brvt. Brig. Gen. Commanding.

Lieut. Col. I. HOOKER,

Asst. Adj. Gen. Sonoma, Cal.

HEAD-QUARTERS, 10TH MILITARY DEPT.,  
Monterey, Cal., November 2d, 1849.

CAPTAIN: The general commanding directs that twelve muskets (flint locks,) with equipments complete, and 500 rounds of muskets, ball-cartridges, be put up and turned over to the quartermaster's department for transportation to San José.

The prefect of that district will receipt to you for these arms.

Captain W. G. MARCY,  
Military Storekeeper, Monterey, Cal.

Very respectfully, your ob't servant,  
ED. R. S. CANBY,  
Asst. Adj. General.

HEAD-QUARTERS, 10TH MILITARY DEPT.,  
Monterey, Cal., Nov. 4, 1849.

COLONEL: If, upon the return of the Major-General commanding the division, Lieut. Derby be not required at division head-quarters, I request that he may be assigned to duty in this department, and that he may be furnished with a portion of the funds and instruments in the possession of the late Capt. Warner, as there are none pertaining to the bureau in the department except those for which he was responsible.

I wish to employ him in making a survey of the country in the vicinity of the passes east of San Luis Obispo, the Talares and Kerns Lake.

Very respectfully, colonel, your ob't servant,  
(Signed) B. RILEY,  
Bvt. Brig. Gen. U. S. A. Commanding.

Lieut. Col. I. HOOKER,  
Asst. Adj. Gen., Sonoma, Cal.

(Official copy.)  
Ed. W. V. CAMLY, A. A. G.

HEAD-QUARTERS, 10TH MIL. DEPT.,  
San Francisco, California, Nov. 13th, 1849.

CAPTAIN: The commanding general has learned that the point at which Capt. Warner was murdered, is much more remote than was anticipated, when his instructions to you of October 25th were given, and that this in conjunction with the unusually early commencement of the rainy season will effectually prevent your accomplishing anything this season. He accordingly countermands the instructions then given, and directs you to return immediately to your station at Sonoma, taking with you to that place company E 1st dragoons, if Lieut. Wilson should have reported to you.

A duplicate of this communication will be sent to Capt. Day, 2d infantry, to be forwarded to you if you should have passed up the Sacramento. I enclose a copy of instructions to Lieut. Wilson, which you will please forward to him if he should be in your neighborhood, and not yet have joined you.

Very respectfully, captain, your obedient servant,

Captain A. J. SMITH,  
1st Dragoons, Upper Sacramento.

ED. R. S. CANBY,

Assistant Adjutant General.

HEAD-QUARTERS, 10TH MIL. DEPT.,

*San Francisco, California, November, 15th, 1849.*

SIR : The instructions to Capt. Smith, 1st Dragoons, of Oct. 25th, to proceed to the Upper Sacramento, have been countermanded by the commanding general. If you have not already reported to Capt. Smith, he now directs that you proceed with your troops to Sonoma, where you will report to him, and await further instructions from dept. head-quarters. The baggage of your troops will be detained at Benicia until these instructions are given.

Very respectfully, sir, your obedient servant,

ED. R. S. CANBY,

*Assistant Adjutant General.*

Lieut. C. J. L. SMITH,

*1st Dragoons, Upper Sacramento.*

HEAD-QUARTERS, 10TH MIL. DEPT.,

*San Francisco, Cal., Nov., 14th, 1849.*

SIR : The commanding general directs that you remain with the dragoon detachment under your command, at or in the neighborhood of San Diego, until the receipt of further instructions from dept. head-quarters. You will report by the first opportunity the state of command, and make any estimates that may be necessary for putting it in an efficient condition.

Very respectfully, sir, your obedient servant,

ED. R. S. CANBY.

*Assistant Adjutant General,*

*To the Officer in Command of the Escort of the  
Collector for the District of California.*

HEAD-QUARTERS, 10TH MIL. DEPT.

*San Francisco, California, Nov. 15th, 1849.*

COLONEL : I have the honor to report for the information of the major-general commanding the division, that I came to this place the 12th instant, for the purpose of making some arrangement by which the government reservations at this place can be secured, but found upon my arrival here that Capt. Keyes, 3d artillery, had already leased them. This lease has been disapproved and annulled for the reason that land sufficient for custom-house purposes has not been reserved, and the time for which the lands have been leased was entirely too great. So much of these reservations as may be required for custom-house purposes will be immediately transferred to the collector of the district, subject to the approval of the secretary of war and the commander of the division, and the remainder will be re-leased for a shorter time, and with greater reservations than are made in the lease above referred to.

Although opposed to leasing this land until after an answer to General Mason's report upon this subject is received, the state of affairs in this place renders it necessary that some measure of this kind should be taken in order to secure the interests of the United States.

Copies of the papers in relation to this matter will be sent to division

head-quarters on my return to Monterey, for the information of the commanding general.

I regret greatly that the unusually early commencement of the rainy season will prevent Capt. Smith from effecting anything against the Indians engaged in the attack of Capt. Warner's party. His instructions have accordingly been countermanded.

The same reason will probably interfere with the disposition made in dept. special orders No. 55, of Major Miller's command, as it will be difficult to supply it after the rains have fully set in; company "A" 2d infantry will be quartered during the winter at the Presidio of San Francisco, and if the rains continue companies "B" and "K" at Monterey, where provision can be made for them without any additional expense for quarters.

I have learned from Mr. Collier, the collector for the district, that he dispensed with the services of his escort at San Diego, and that it will probably remain there for some time. With a view to save inconveniences and expenses of a march through the country at this season of the year, instructions will be sent down by the Panama for the detachment to remain at that place until further orders, with a view to filling up Captain Smith's troops by transfers from "E" company, and to sending the officers and non-commissioned officers to reorganize that company from the escorts of the collector and the Arkansas emigrants, which are understood to be about sixty strong. This command will be employed during the winter in the neighborhood of Los Angeles or William's Rancho.

Very respectfully, colonel, your obedient servant,

B. RILEY,

*Brev. Brig. Gen. U. S. A. Comdg. the Dept.*

Lieut. Col. J. HOOKER,

*Asst. Adj. General, Sonoma, Cal.*

HEAD-QUARTERS, 10TH MIL. DEPARTMENT,

*San Francisco, Cal., November 15th, 1849.*

CAPTAIN: The commanding general instructs me to inform you that your lease of the government reservations at San Francisco to Mr. J. B. Steinberger, dated at San Francisco, Cal., Nov. 3d, 1849, is not approved by him, and will therefore be annulled.

Instructions in relation to the matter will be sent you immediately upon the return of the commanding general to Monterey.

Very respectfully, captain, your obedient servant,

(Signed)

ED. R. S. CANBY.

*Assistant Adjutant-General.*

Captain E. D. KEYES,

*3d Artillery, Commanding, San Francisco, Cal.*

HEAD-QUARTERS, 10TH MIL. DEPT.,

*Monterey, Cal., November 16th, 1849.*

COLONEL: I have the honor to transmit herewith copies of several papers that refer to the government reservations at San Francisco.



The disposition to encroach upon these reservations was anticipated, and the attention of the war department was called to the subject on the 13th April and again in August last. Anticipating the receipt of definite instructions with regard to the disposition of these lands, I have heretofore refused the numerous applications from individuals for the lease of them in San Francisco.

Upon my recent visit to that place, I found that Captain E. D. Keyes, 3d artillery, had leased a portion upon terms which I deemed exceedingly objectionable, and although his action in the case was prompted by the great urgency of the case and with a view to the interests of the United States, I have, as reported in communication of yesterday, annulled this lease.

The reservations at this point were made for "army," "navy," and "custom-house," and I have accordingly directed the transfer to the treasury department of so much of this reservation as may be required for custom-house purposes, and have directed Captain Keyes, in my instructions of this date, to lease the remainder upon the conditions expressed therein and memoranda inclosed with it.

I am satisfied, from information received while at San Francisco, that leases may be made upon the conditions indicated in my instructions to Captain Keyes, and upon much more favorable terms than are obtained in the lease which I have disapproved, and that unless the land not immediately required for government purposes be leased, much of it will eventually be lost to the government.

Very respectfully, your obedient servant,

(Signed) B. RILEY,

*Brev. Brig. Gen. U. S. A., Commanding.*

(Official copy.)

ED. R. S. CANBY.

Lieut. Col. J. HOOKER,

*Asst. Adjt. General, Sonoma, Cal.*

HEAD-QUARTERS, 10TH MIL. DEPT.,  
*Monterey, Cal., Nov. 16th, 1849.*

CAPTAIN: After consultation yesterday with the collector for the district of California, the commanding general was satisfied that the lot reserved in your lease with Mr. Steinberger will be entirely insufficient for custom-house purposes at San Francisco. He has accordingly directed the transfer to the treasury department, of so much of the reservation at that place as may be required for these purposes. In conversation with Mr. Collier, a lot double the size (or 200 feet square) of that reserved in the lease, was deemed the least that would be sufficient for the custom-house at San Francisco, and you are desired to call upon the collector and accompany him whenever he thinks proper to make the selection. After this selection is made, you are directed to lease the remainder of the government reservations at San Francisco to a responsible individual or individuals, upon the conditions expressed in the enclosed paper.

You will see by these conditions that the length of the lease was deemed objectionable, as was also the amount for which the land was leased. This last consideration, however, is of subordinate importance



to that of leasing the land to individuals who are perfectly responsible, and act in good faith towards the United States, but it will be proper to obtain as great a consideration as may be consistent with the fulfilment of the conditions above referred to.

The lease of Mr. Steinberger is returned herewith.

Very respectfully, captain, your obedient servant,

ED. R. S. CANBY,

*Assistant Adjutant General.*

NOTE.—Applications have been made at different times for the lease of the government reservations by individuals or companies in San Francisco. They have heretofore been informed that it was not the intention of the commanding general to lease any portion of them until the action of the government at home in relation thereto was made known. So far as is now recollected these applications were from Messrs. Wright and Co., Dewitt and Harrison, and Mr. Shillaber, and the general thinks it proper that his instructions to lease these lands should be made known to these persons, and offers from them and from other individuals invited. He entertains no doubt that these lands may be leased upon the conditions prescribed in the within paper, for at least \$4000, or \$5,000 per annum.

Very respectfully,

ED. R. S. CANBY.

*Assistant Adjutant General.*

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HEAD-QUARTERS, 10TH MIL. DEPT.,

*Monterey, Cal., Nov. 17th, 1849.*

CAPTAIN: Under authority given by the secretary of war, the convicts from several of the military stations in the northern part of the department have been ordered to the Presidio of San Francisco, to be employed under your superintendence, in the construction of the battery directed in division orders No. 5, current series. The commanders of the posts from which these convicts are sent will be instructed to furnish you with their descriptive lists, clothing account and a transcript of their sentences.

You are directed to prepare a secure prison or guard-room for the reception of these recruits, and to take such other measures as may be necessary to prevent their escape, and to secure their constant employment upon the public works.

By direction of the commanding general,

Very respectfully, your obedient servant,

ED. R. S. CANBY,

*Assistant Adjutant General.*

Captain E. D. KEYES,

*3d Artillery, Com'dg, &c., San Francisco, Cal.*

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HEAD-QUARTERS, 10TH MIL. DEPT.,

*Monterey, Cal., Nov. 17th, 1849.*

MAJOR: Your communications of October 24th, were received at San Francisco on the 15th, and those of November 3d on General Riley's

return to this place yesterday. You will see by the enclosed papers that the unusually early commencement of the rains has induced some changes in the disposition of your command, and this communication is now sent you in order that you may continue your march without delaying at the Salinas plains.

A copy of special orders No. 57 was sent to Major Seawell from San Francisco, in season to meet Capt. Lovell at that place; Lieut. Wilson's instructions were sent *direct*.

Very respectfully, major, your obedient servant,

ED. R. S. CANBY,

Major A. S. MILLER,

*Assistant Adjutant General.*

*2d Infantry Commands, Battalion.*

HEAD-QUARTERS, 10TH MIL. DEPARTMENT,

*Monterey, Cal., Nov. 22, 1849.*

MAJOR: Your communications of the 13th instant, reporting that you had relieved Lieut. Sully, regimental quartermaster, 2d infantry, in the duties of A. C. S. and A. A. quartermaster at Benicia, "having revoked his appointment of regimental quartermaster. The application of Lieut. Sully, for a court of enquiry, and the accompanying papers were received yesterday, and have been submitted to the commanding general. In relation to first of these papers, I am directed to express the action of the commanding general, as follows: "Major Seawell labors under a misconception in supposing himself to be the *permanent* commander of the 2d infantry. The authority to change the *permanent* commander of a regiment as contemplated by par. 99, general regulations, has not in this instance been given. The command of the 2d infantry was relinquished to Major Seawell on account of the complication of duties then devolved upon the commander of the department, the interests of the service appearing at that time to warrant this departure from the regulations, but the resumption of this command so soon as relieved from civil duties has been, and is still contemplated. The position of adjutant being vacant, it was kept so, and the appointment, through courtesy, and with a view to the harmony of the service, left to Major Seawell. The same consideration, that is, the importance of having the regimental staff acting in unison with the actual commander, would have induced concurrence with any recommendation made by Major Seawell that was not opposed by very strong reasons, but it is not sufficient to justify the removal of Lieut. Sully, except in the manner indicated by par. 96, general regulations." I am directed by the commanding general to say that this decision will not be regarded as the expression of any opinion whatever upon Lieut. Sully's conduct, but as being necessary to place this matter where it should have commenced, by an application to the permanent commander of the regiment for his removal, or for the investigation of his conduct by a general court martial, and you are now desired to adopt whichever of these courses the interests of the service may, in your estimation, require.

Very respectfully, your ob't servant,

ED. R. S. CANBY,

*Asst. Adj. General.*

To Major W. SEAWELL,

*Commanding 2d Infantry, Benicia, Cal.*

S. Doc. No. 52—6

HEAD-QUARTERS, 10TH MIL. DEPARTMENT,  
*Monterey, Cal., November 31st, 1849.*

SIR : Your application of November 19 was received last night, and was submitted to the Brigadier-General commanding. By his direction I enclose through the medical director, an extract from department special orders No. 63, granting you a leave of absence for twenty days, with permission to apply at division head-quarters for an extension of sixty. If, upon the expiration of this leave, your application to division head-quarters has not been answered, and upon the expiration of the leave granted from those head-quarters, you are still unable to join, the reports required by paragraphs 231 and 243, general regulations, will be made to department head-quarters as well as to the adjutant general and chief of your corps.

The custom of the service requires that an officer returning from special or detached service, should report his return to the source of the order, (in your case, to department head-quarters,) placing him upon that duty. No such report has been received from you, and some delay and inconvenience result from the necessity of changing the detail made in department special orders No. 61, current series.

Very respectfully, your obedient servant,  
 ED. R. S. CANBY,  
*Asst. Adj. General.*

To Asst. Surgeon H. S. HEWITT,  
*U. S. A., Benicia.*

HEAD-QUARTERS, THIRD DIVISION,  
*Benicia, February 26th, 1850.*

Brev. Brig. Gen. BENNET RILEY,  
*Comdg. 10th Mil. Department.*

GENERAL : I am directed by the general commanding the division to say, in answer to several communications relative to the establishment of posts in the 10th military department, that in his report to the head-quarters of the army, he has designated, as the posts to be occupied by troops in this department, San Diego, Monterey, Presidio of San Francisco, Benicia Depot, post on Bear Creek, one on the head waters of the San Joaquin river, Los Reges or Tulare Lake, as may be determined on after reconnoissance by officers, and since the murders near Clear Lake, one in that district. So soon as means of transport by water of the proper kind can be procured, and there are troops to garrison it, one will be established near the junction of the Gila and Colorado.

The general has never directed or authorized the establishment of any post at La China, and none will be occupied there.

Before the two companies of cavalry were merged into one, now commanded by Lieut. Davidson, the garrisons of the different posts were arranged as follows : one company of artillery at the Presidio of San Francisco, and one at Monterey ; two companies of infantry at San Diego, two at Benicia, two on Bear Creek, and two on the upper San Joaquin, and now two will have to go to the post at Clear Lake ; when established, one of the companies of cavalry was intended for San Diego, one for the upper San Joaquin, and one for Bear Creek.

The presumption now is that a company of cavalry cannot be stationed to advantage on Clear Lake, the country is too broken. The post on the upper San Joaquin is not located. The country must be examined by an officer sent for that purpose, and the route for conveying supplies particularly reconnoitred, for if that be very difficult, the expense of the post cannot be maintained. The general presumes that by taking advantage of the high water from the melting of the snows in May, that provisions and other supplies may be transported by the river to some point nearer the contemplated post than any on the coast, and that the land transportations will thence be shorter and easier, as there are no ridges intervening. Upon receiving the report with this information, the general commanding the division will direct the location of the posts. In order to be able to do this, he desires that a competent officer may be sent to make the examination.

In the meantime, Major Fitzgerald's company of dragoons will remain where it is supposed to be, at San Diego, or if it has moved thence, will return to that place, or its neighborhood, unless it be too far removed.

In directing, by a late letter, that all estimates for funds in the quartermaster's department should be submitted to division head-quarters, it was not only intended to provide for a fair distribution of funds between the two departments composing the division, but also to enable the general to know what expenditure was contemplated, and what works were intended, especially as to the erection of buildings, chartering of vessels, and purchase of materials and stores. Arrangements for providing many of these things were already made by requisitions on the United States, or purchase at San Francisco, and unless the object of the requisition from department head-quarters is fully explained, it cannot be approved, for that object may have already been provided for.

The requisition for funds presented by Capt. Kane were without any such explanations, and could not have been admitted unless he had furnished a more detailed account of the object of expenditure, but these detailed explanations should come over your signature, but that the service or individuals contracting with it should not suffer, the requisitions were approved, except for the funds for purchasing some things which can be furnished from the division depot. The requisition for twenty wagons was not approved. Captain Kane stated verbally that he believed they were to enable Major Miller's command to move from or to San Miguel. As the post to be occupied by Major Miller's command is not yet determined on, and the route to it and for supplying it not yet determined, it would be useless to send these wagons to Monterey or south, when the movement may be by the river San Joaquin.

The general will feel strongly inclined to adopt such views as you may have deliberately formed on any such points, but he must know what they are before he can express his concurrence.

Captain Kane informed him that you had been directed, as you told him, to make all your requisitions direct to Washington. The general desires you will send him a copy of the order so directing you to do.

The time will soon be here in which the state of the roads and waters will permit the movement of troops, and must immediately be taken advantage of to chastise the Indians near Clear Lake, who have again committed murders there, and those who murdered Captain Warner. The same command may answer for both, for the second expedition

cannot operate in the Sierra Nevada until June, when the snows have melted.

The command for Clear Lake should consist of at least one hundred men, to operate in two parties, and if so many can be assembled, a third party should accompany wagons with supplies as near as possible to the scene of operations, so that the first may not be encumbered with too many pack mules, requiring too many men to guard them.

They should have three boats or skiffs capable of containing fifteen men each, or the materials prepared for putting them up, with oakum and pitch for caulking.

The general desires that the commanding officer be instructed to ascertain positively the exact tribe that is guilty, which, in regard to the murders at Clear Lake, is not difficult, as there are witnesses at hand; to attack them at once wherever he finds them, and to pursue them as long as he is able, without proposing or attempting any parley or communication with them; to inflict such a blow on them as will intimidate them and others and prevent like offences, and to prefer letting individuals escape to making them prisoners; and not on any account to allow any citizens or others who may be present to take any captives to bring away as prisoners. This will only be a pretence for getting servants about their ranchos.

The quartermaster at the depot at Benicia is directed to furnish every thing in his department necessary, and for the expedition to Pitt River a large supply of provisions has been sent to the post on Bear Creek. The future tranquility of the borders and security from Indian aggressions requires that the first attempt to punish Indian murders should be effectual and thorough. Lenity now would be the extreme of cruelty to both parties.

With respect, your obedient servant,

(Signed) J. HOOKER,

*Assistant Adjutant-General.*



## GEN. SMITH'S CORRESPONDENCE.

### CALIFORNIA.

1859, Dec. 30,	Bvt. Maj. Gen. P. F. Smith,	to	Asst. Adjt. Freeman.
1850, Jan. 8,	do.	"	Adjt. Gen. Jones.
" 10,	do.	"	do.
" 12,	do.	"	Asst. Adjt. Freeman,
" 15,	do.	"	Adjt. Gen. Jones.
" 23,	do.	"	Bvt. Brig. Gen. B. Riley.
" 28,	do.	"	Asst. Adjt. Freeman.
Feb. 27,	do.	"	do.
April 1,	do.	"	do.

HEAD-QUARTERS, PACIFIC DIVISION,  
Benicia, December 30th, 1848.

Bvt. Lt. Col. W. G. FREEMAN,

*Assistant Adjutant General.*

COLONEL: I have just arrived from Oregon, and such is the irregularity of the mail communication with that territory, that it is only now that I have received the communications from the head-quarters of the army since the 26th of June. As the steamer passes in two hours for San Francisco, no time remained for any communication intended for the Panama steamer of the 1st proximo.

I will merely mention, that notwithstanding the lamented death of Captain Warner, topographical engineer, on the reconnoissance of a route across the Sierra Nevada, (he was shot by Indians when nearly alone,) full success had attended the enterprise, and a route for a rail-road examined and found perfectly suitable.

Lieut. Pleasanton, 2d Dragoons, on his way from New Mexico, by the Utah Lake, passed by the "Grosventre" pass in the Rocky mountains, about latitude 38 N., and represents that as not only practicable for a rail-road, but as scarcely requiring any work, the ascent and descent being imperceptible, and the way made and open. This crosses above the Colorado, and it is now *certain* that a "rail-road from the Mississippi to the bay of San Francisco can be made with less labor and grading than on any road in the United States, over a varied and unequal surface."

I have not had time to examine the report of Major Rucker, of his expedition to relieve the emigrants, but learn from the officers who accompanied him that it was most providentially sent. An amount of misery and death horrible to contemplate was prevented by the succor he afforded.

I beg leave to ask the attention of the war department to the different views entertained by General Riley and myself as to the revenue collected as duties or imposts, since the annexation of California by treaty. We claim it as belonging to the "Civil Fund" or treasury of California.

I think it belongs to the general government to dispose of as Congress may determine.

If he be correct, the disbursement of it belongs to the civil government of the department, without any control or supervision, and then I can be in no way responsible for its disposition, as I have "*no authority* in the civil government."

If I be correct, the disbursement belongs to General Riley, as military chief of the 10th military department, and it is under my control and supervision as his military superior, and it is my duty to examine into the amount and disposition of it.

From the position assumed by him it follows that I have no knowledge or return of the amount collected, or its mode and objects of disbursements.

The general appeals in a communication of 30th August, and which I have only now received, to the previous express and tacit approbation of the war department.

As his communication with this department in relation to the civil

government is direct and never reaches me, I cannot know what its views are.

Being unable from want of time to write more fully, I beg leave to refer to Lieut. Shannon for more details.

By a steamer to leave on the 15th of January, I shall be prepared to lay the whole matter before the department. In my report written from Fort Vancouver, I have on the information of an officer mistaken the position of Steilacolm, the post of Capt. Will, on Puget's sound.

It is 7 miles N. by E. from Misqually on the chart of admiralty inlet by the exploring expedition. A small cove in about lat.  $47^{\circ} 11' N.$  will be seen, the post is there. The steamer Veny in sight, I close in haste.

I am, very respectfully, Colonel, Your obedient servant,

PERSIFER F. SMITH,

*Bvt. Major General Commanding.*

HEAD-QUARTERS, PACIFIC DIVISION,

*Benicia, Cal., January 8th, 1850.*

Bvt. Major-General R. JONES,

*Adjutant General U. S. Army.*

SIR: I have the honor to enclose herewith copies of all orders, special orders, and correspondence due from this office up to this date.

Very respectfully, your obedient servant,

PERSIFER F. SMITH,

*Bvt. Major-General, Commanding Division.*

HEAD-QUARTERS, PACIFIC DIVISION,

*Benicia, Cal., January 10th, 1850.*

Bvt. Major-General R. JONES,

*Adj. Gen. U. S. Army.*

GENERAL: I have the honor to enclose herewith the returns of the division for five months, ending the 31st October, 1849, having received no returns from either department of my command since that date.

But for the further delay it would impose upon me in forwarding the information which they contain, I should send back the returns of the 10th mil. department for completion, as several detachments embraced in that command have not been included in the body of them. They also contain some inaccuracies. In such cases, the 10th department returns have been copied into those of the division without alteration.

Very respectfully, your obedient servant,

PERSIFER F. SMITH,

*Bvt. Major-General Commanding Division.*

HEAD-QUARTERS, PACIFIC DIVISION,

*Benicia, January 12th, 1850.*

Lieut. Col. W. G. FREEMAN,

*Asst. Adj. General.*

COLONEL: I transmit a duplicate of the report sent by Lieut. Sherman, and made from Fort Vancouver. I left that place the latter part of No.

venber, went down the Columbia River to the mouths of the Cowlitz River, properly, Cow-a-litz-ky, which I ascended against a very rapid current to the Cowlitz farms; there must be a gradual ascent of at least 400 feet from the Columbia to the "plains," which are 600 feet, if not more, above the river. Going from the farms within seven miles, you pass the dividing ridge between the Cowlitz and the Chickalees River, near "La belle Prairie," 3 or 400 feet higher; you descend gradually crossing the "Quiuri Lous" and Lqukunn-chuck, ("rapid water,") branches of the Chickalees-cross, the "Long Prairie," and then the ridge between the latter river and the waters of Puget's Sound-ford, the "Deschutes" river, at the sheep-farm of the "Puget's Sound Agricultural Company," cross through open country, and occasional "points of wood," to the Misqually river, at one of three crossings, according to the height of the water, thence in a nearly straight line, over gravelly plains to Steilacoom, seven miles N. by E. from Fort Misqually. The road I travelled from the Cowlitz to Steilacoom, follows generally the foot of the spurs from Mt. de Helens and the Mt. Reiquez, in the Cascade range, and select the open plains interspersed in the woods—so it is far from straight. I calculated its length at 73 miles; it is generally practicable for a rail-road, without any rapid gradients to the river Columbia. The streams coming from the mountains swell suddenly in the rains to great height, and fall as suddenly, requiring budes, for which they all afford good positions. Timber is plenty, and though the farms on the route are now neglected for the California mines, they would soon furnish provisions.

The soil from the Columbia river to near the Lqukum-chuck is good, gradually becoming less so as you leave the Cowlitz-plains; from the latter river to the sound it becomes more and more gravelly, and only the river bottoms are worth cultivating; from Steilacoom, going north, after twenty miles the soil improves. The altitude of the country, about the dividing ridges, gives it a cold climate; we found the ponds all frozen, and the ground hard in the shade.

The country between the "Deschutes" and the sound is covered with the flocks of the Puget's Sound Co.; they have 15,000 sheep, and six or 700 cattle. The latter are getting wild for want of herdsmen. A good road, it is said, can be made from Puget's Sound to Walla-Walla, crosses near Mt. Reguier; this would open the northern road to emigration, now nearly shut out from Oregon, by the difficulties of the Cascade range.

The position of Steilacoom was selected chiefly because there were already buildings erected sufficient to cover the stores. When the season admits, the country will be examined, both in relation to this point and the road to Walla-Walla. A post of two companies should be established at "Budd's harbor," in "New-Dangeness roads," (see exploring expedition charts,) on the straights of Fuca. As it is desirable to have the services of the infantry now at San Diego—in the interior, I would beg that the force in each department be increased by two companies of artillery. I carefully examined "Protection Island," in front of Port Discovery. It will certainly require fortifications to prevent an enemy from occupying the harbor which it covers; but it is near two miles from either point, and they cannot, without other defences, be sufficient to secure Port Discovery. It is not rock as I reported on the information

of others, but sandy, covered with timber at the N. E. end. The soil would produce well, but there is no fresh water on it. It is a good position for a light-house, serving both for the point of New Dangeness ship, and the entrance of Admiralty Inlet as well as roads—the harbor of Port Discovery. I passed out of the Straits of Fuca at night, in a fresh gale, and could not examine Cape Flattery or Neah Island. Leaving Steilacoom, in 48 hours we were off the mouth of Columbia river, though I spent a night and part of a day at Protection Island, while vessels that had left Vancouver two weeks before me, were still detained at the bar, and have not arrived here yet. Steamboats are absolutely necessary for the navigation on this coast. The loss of time in sailing vessels more than compensates for their economy in other respects. They dare not approach the coast to anchor during calms or head winds, and thus lose one day what they have gained the preceding one. I most earnestly recommend that steamers be sent here. I do not propose to increase the number of ports in California beyond what has already been mentioned, but the garrison to be moved from Sonoma northward, will have to be increased by two companies of infantry.

Major D. H. Vinton, quartermaster, who has been chief of the department out here, returns home by this steamer (15th January); he has all my views in relation to the supplies necessary for the division in his branch of service; and I beg respectfully to refer to him for information on that head. I put in his possession a copy of large requisitions made by the commander of this department on the quartermaster's department for building, and stores for the establishment of ports not authorized or approved by me. I do not approve of any other than those of which Maj. Vinton has the note; and I would respectfully suggest that the instructions to departments to communicate to head-quarters operates to produce confusion in more things than this, and that economy as well as discipline would be better consulted, if such communications were confined to the returns and matters of routine.

As soon as troops can move in the spring, which will be when the rains shall have ceased long enough for the ground to dry, the Indians who killed Captain Warner, and those who committed the murder on Clear Lake must be chastised. The murderers of the inhabitants of Walla-Walla in Oregon are to be pursued, and these operations will cost much money from the high prices here, and will occupy the troops, so that the necessary work in establishing posts will have to be performed by citizens, mechanics, and laborers, at high wages. From the state of affairs here and our experience under it, it is safe to calculate that every thing here will cost at least ten times what the same would cost in the Atlantic States; appropriations should be made according to this ratio, or they will be insufficient. In a very hurried letter I sent as I arrived here, I mentioned Lieut. Pleasanton's route as crossing the Rocky Mountains in lat. 38. In referring to the map it was found to be in or near 40°, so there is one more good pass than I was aware of, for that in 38° is well ascertained. Major Rucker's report of his expedition to the relief of the emigrants will be read with much interest; it saved the lives of many families of women and children. The general will recognize in one of the agents employed, (whose narrative I particularly recommend to his notice,) the energetic editor of the newspaper established in the city of Mexico after our entry—Peoplis. His notice of



the self-denying activity of the teamster and other persons employed in aiding the sick and feeble, will give the most unbounded satisfaction wherever it is read. I would respectfully urge that the head-quarters of the division be furnished with the best and latest digest of the laws of the United States, with the volumes of acts (annual,) published since. It is embarrassing to act in relation to these laws when every thing depends upon the phraseology of a statute, a copy of which is not to be found in the country. Lieut. Williamson, topographical engineer, will prepare from Captain Warner's notes a report and map of his reconnaissance, which will require some ; time it will be forwarded as soon as received. A road can be made over the Sierra Nevada with a less gradient than many now in profitable use in the United States. I would respectfully direct the attention of the government to the portion of the correspondence between myself and Gen. Riley that related to the duties collected on imports, since the promulgation of the treaty here.

General Riley, it will be seen, claims them as the revenue of California, collected under his civic government and to be distributed by him as civil governor without my interference or control, and has in pursuance of this opinion made no returns either of receipt or disbursements, and I consequently know nothing of either. I say Congress have exclusive power to collect duties and these can only be collected under color of its authority and to be held subject to its disposition, that consequently what has been done by him, has been done as an officer of the United States and of course subject to my supervision. The consequence would be, that this fund, (if he is right) with the drafts on the Treasury cashed by it, must now go to the Treasury of the state which replaces the previous government, and it will be seen that he calls the payments made to disbursing officers loans from the civic fund of California. His letter of the 30th August reached my head-quarters the 13th of October, and I did not receive it, until my return here a few days ago. The matter is of no consequence for the future as the collector appointed by law is now here, except that the legislature now claim these funds as belonging to the state. I would think it very desirable, consequently, considering the peculiar and embarrassing state of affairs here, and the heavy expenses to be incurred before any system of state revenue can be organized, that Congress should transfer a liberal sum to their aid ; but this is an act to which Congress alone is competent. I have always addressed my orders and instructions to the "commanding officer of the 10th Department," the answers disputing my authority are from the "executive department of California," thus evading the military responsibility of disobeying them. I having assumed no authority over the civil government, lest its legality should be questioned. I learn through a member of the convention that Gen. Riley's answer of 30th August was read before that body before it reached my head-quarters, and as the acting secretary of state was a member said to be a candidate for the U. S. Senate, it was certainly advisable that the government of which he was the principal adviser, should appear as the Champion of California, against the military tyranny imposed on it. But if his arguments are sound, the legislature are now right in acting on them. Major Allen, assistant quartermaster the depository of the fund, has received a letter from a committee of the legislature assuming the right to the fund and asking information as to its amount and the authority under which it

was collected. The resolution under which they act, points to an application to Congress to get possession of it and does not purpose seizing it, though it alleges their right to do it. The money will shortly be all disbursed and the fund will exist in a claim on the treasury until congress act on it. I further respectfully represent to the government the inconvenient operation of a law requiring the proceeds of all sales to go into the treasury, and not disposing of them until further appropriated, an example will show my meaning. If a sum of \$10,000 were appropriated, for the transportation of troops from here to Oregon, and laid out in the purchase of wagons and mules for the purpose, and from the unexpected rains the road became impassable, though these objects could be sold for double their cost, and the troops conveyed cheaper by water, the appropriation would have been exhausted by the first purchase, and the proceeds of the treasury to await a new appropriation.

The law evidently intended to include the sales of captured property or that the object of either purchase had been achieved, but as now constructed certainly requires amendment. The division returns cannot be made complete, those of the 10th department are transcribed into the division returns, and deficiencies must be supplied and errors corrected hereafter. The difficulty of communication prevents punctuality in the receipts of the first returns at department head-quarters. I am informed by some persons who have iron houses, that they suffer much from the heat or cold in them. Some are coming out, it will be prudent to await the trial of these before ordering more. I am about, if it can be done conveniently, to direct Major Lee of the commissary department, to go to the Sandwich Islands to make some arrangement for a small but regular supply of anti-scorbutic vegetables and fruits for the troops in northern California; there are cases of scurvy among them and some have been fatal.

I am, colonel, very respectfully, your obedient servant,

PERSIFER F. SMITH,

*Bvt. Maj. Gen., Commanding the Dep.*

*San Francisco, January 15th, 1850.*

Major Gen. R. JONES,

*Adjutant General.*

GENERAL: I promised to Col. Stewart to enclose this letter in my despatches, but he was not in when I was sealing them. I now enclose it.

The commodore and all his family, were well this morning.

Since closing my despatches, we have learned that the whole Sacramento valley had been overflowed with a great destruction of cattle and of provisions in store; this will cause much distress for food, and may require some aid from government before the year is up. Will you suggest the matter in the proper quarter in time?

With sincere respect, your obedient servant,

PERSIFER F. SMITH,

*Brev. Major General, Commanding Division.*

HEAD-QUARTERS, PACIFIC DIVISION,  
Benicia, January 23d, 1850.

Brevet Brig'r. Gen. B. RILEY,  
*Commanding 10th Military Dept.*

GENERAL: The requisitions made by the assistant quartermaster at Monterey, on the chief quartermaster of the division for funds for the service of the department, cannot be complied with in the form in which they have come by the steamer just arrived. The sum of \$100,000 has been just received by the hands of Captain Fulsom, with this notice that this remittance exhausts the appropriations for the quartermaster's department for this fiscal year, and this sum must supply both California and Oregon in fair proportions. Estimates and requisitions in proper form showing the objects of expenditure proposed must be submitted for my examination, and if approved or so far as they may be approved, will be met concurrently with those from the other department.

I have directed and again direct, that the money derived from duties shall remain in the hands of the depository, Bvt. Major Allen, until disposed of by Congress, and no part of it to be paid unless with my approval.

You will therefore issue no orders or instructions in relation to it. So much as will cover the payment of the legal salaries of civil officers up to the period to which are due, is considered as having been transferred to the treasury of the civil government and in the cause of disbursements. Over the sum considered as already disposed of I assume no control.

Being accidentally at this place, separate from my staff, I have no opportunity of using their services in addressing you.

With respect, your obedient servant,  
(Signed) PERSIFER F. SMITH,

A true copy. *Brev't Major-General Commanding Division.*  
(Signed) J. HOOKER, *Asst. Adjt. General.*

HEAD-QUARTERS, THIRD DIVISION,  
Benicia, January 28th, 1850.

Brevet Lt. Col. W. G. FREEMAN,  
*Asst. Adj. Gen. Head-Quarters of the Army.*

COLONEL: Since my last communication by the steamer of the 15th inst., nothing has occurred of interest. Captain Fulsom, assistant quartermaster, has arrived at San Francisco with \$100,000 for the service of the army. He is detained at that place by illness.

The expense of carrying coin from the Atlantic States here would be avoided by the treasurer drawing on the collector here. The receipts at the custom-house in San Francisco will average nearly \$100,000 a month, as it is very injurious to the interests of commerce, that this sum in coin, which is comparatively scarce, should remain hoarded up in the iron chests of the custom-house; any inconvenience to commerce checks its advance or diminishes the revenue from it.

General Riley recommends the examination of a route to New-Mexico, north of the Gila route, by a pass described in Lieut. Ord's report of a reconnoissance made of the passes in the Cascade range in the southern

part of the territory. Lieut. Ord's information is from trappers and hunters, who, from the mode in which they travel, are not very good judges of the capacity of the country for rail-roads, but I have great confidence in the soundness of his own judgment on those questions.

I do not agree with General Riley as to the establishment of additional posts in the southern portions of the territory until it has been thoroughly examined, and the force in the department actually increased. If all the troops are scattered in garrisons of distant posts, the time and cost necessary to assemble even a strong escort for a reconnoissance, will consume all that is disposable either of time or money before the proper commencement of the expedition.

The position of the mouth of the Gila is important only as regards immigrants, it covers no settlements, and can only be supplied by water unless at enormous cost. When the quartermaster's department shall have been supplied with steam vessels, the difficulty of communication will not be so great. It is true that the point from its geographical position on the boundary, at the junction of two considerable rivers, and near their entrance to the gulf, is of great importance—but cannot its establishment be deferred, unless Congress by appropriating literally for the relief of emigrants, shall enable the garrison there to aid them with provisions and transportation at San Diego.

The responsibility of expending money for the relief of emigrants was assumed in the last fall, because the contingency had happened after session of Congress, and the exigency could not have been foreseen by them; but that body being now advised of the probable recurrence of this necessity every year for some time, their neglect to provide for it must be considered as leaving the case for the action of private charity.

Unless otherwise directed by the general-in-chief, the posts to be occupied each by two companies of infantry will be San Diego, Upper San Joaquin on Bear Creek, Upper Sacramento, Benicia, and one near Clear Lake, north of Sonoma. One company of cavalry will be in the south, and one in the north; one company of artillery at Monterey, and one at the Presidio, San Francisco, and those in Oregon that have been indicated in my report from Fort Vancouver.

It is much to be regretted that the mounted troops had not been at first assigned to California, where the immense plains and bare hills offer every advantage to their action, and that the foot had not been assigned to Oregon, where the rocky hills and dense forests, passable only by the artificial trails, are so proper for the movements of light infantry.

The subject of the *entire* insufficiency of an officer's allowances to meet his expenses, I must again press on the attention of the government. This is not a temporary evil; it increases daily, and is a substantial reality that must be met and provided for. I do not expect that Congress will make any sufficient addition to an officer's pay; they probably will not occupy themselves with the subject at all. I earnestly request that the subject, as far as it is within the control of the executive, may be acted on.

In the eastern states, public conveyances render horses for travelling unnecessary, and in the western, forage can be bought for less than the commutation allowed for it; and to suit these circumstances officers are

confined to drawing forage in kind for one or two horses. Here are no public conveyances, except from a short distance from this post by water, and from the nature of the country many horses are required to perform a journey, and for those for which forage cannot be drawn, while an officer is allowed \$8 a month, he is obliged to pay from \$8 to \$20 a bushel for grain. He is allowed for a servant from \$12 to \$16 a month, he has to pay \$100, and for a cook from \$150 to \$200, and be badly served. He is allowed for transportation of baggage ten cents a mile, and must pay at least fifty, sometimes as high as two dollars.

What I respectfully urge is, that these allowances be made in kind.

In the acquisition of California, the country became possessed of almost incredible sums of wealth if properly administered. The burthens which accompany these advantages should be borne by the country to which they belong, and not thrown upon the shoulders of the only class which, by its situation, is prevented from enjoying any benefits.

The provisions lying in the store-ship, and sent around by Cape Horn, are reported by the chief commissary to be suffering greatly from the pressure caused by their being piled up so long in the holds of the vessels. I directed the immediate construction of a second warehouse at Benicia, sufficient to contain them and to allow of the barrels being recoopered. It will be finished in three weeks, and ready to receive the provisions expected.

The estimates for the service of the division in the quartermaster's department are in the hands of Major D. H. Vinton of that department, the late chief of that branch here, and who sailed on the 15th for the United States. Estimates for the commissary and pay departments have been made to the respective bureaux, and will not differ materially from those for troops in other divisions, but on the appropriations for the quartermaster's department will depend the whole plan for operation the coming year. If they are delayed or not available at the proper season, from 1st May to 1st August, before the extreme drouths, and then the rains begin, great loss and inconvenience will be felt.

Your obedient servant,

(Signed)

PERSIFER F. SMITH,

*Brev. Major Commanding Division.*

I have been detained at Benicia by a dysentery which attacked me at San Francisco the 15th, and am separated from my staff and papers.

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HEAD-QUARTERS, THIRD DIVISION,

*Benicia, February 27th, 1850.*

Brev. Lieut. Col. W. G. FREEMAN,

*Asst. Adjt. General, Head-Quarters of the Army.*

COLONEL: Since my letter by the last mail on the 18th instant, nothing of interest has occurred in this division, except the murder of three more persons by the Indians near Clear Lake. As soon as the season will permit the movement, a detachment will be sent to punish them. They are more numerous than was supposed, and can oppose with 700 men; we can scarcely assemble 100.

I have disapproved of the establishment of a post at La China, eastward from Los Angeles, which General Riley ordered without referring



to me. The transport sent to convey the supplies for it was lost, having been sent to San Pedro, where there is no harbor or shelter, and the prevailing winds in the winter on shore, the stores were fortunately landed before the vessel was wrecked.

The troops intended by General Riley to occupy La China are now very much out of the way, and will be so for many weeks.

By "General Orders, No. 57, Adjutant-General's Office, War Department," I perceive that Brevet Major Emory, topographical engineer, is ordered to report to General Riley. I presume from this that a senior officer of that corps is ordered to report to the division head-quarters, where Lieut. Williamson is now on duty, an excellent young officer, but junior to all others of the corps in the division.

Returns, as far as they can be obtained complete, will be forwarded by this mail.

(Signed)

Your obedient servant,

PERSIFER F. SMITH,

*Brev. Maj. General Comdg. Division.*

HEAD-QUARTERS, THIRD DIVISION,  
*San Francisco, April 1, 1850.*

Brvt. Maj. Gen. R. JONES,  
*Adj. Gen. U. S. A.*

GENERAL: I have the honor to inclose herewith a copy of orders No. 4, establishing the commutation of quarters in the division at twenty-five dollars per month for room. Up to this date, the rate had been fixed at fifteen dollars, that being the maximum allowance in the Atlantic states.

Rents have been, and continue to be, exorbitant in this country. As prices now are, the authorized allowance will only allow an officer who may be entitled to two or three rooms, to provide himself with one suitable to occupy, for assignable rooms cannot be rented for less than two or three times the present rate of commutation. After a full examination of the subject, I have thought it but justice to the officers, whose duties require them to live in rented quarters, to place in their hands the means of providing themselves with one or more rooms in lieu of those allowed them by regulations. I trust that the order may receive the sanction of the Secretary of War.

Very respectfully, your ob't servant,

PERSIFER F. SMITH,

*Brvt. Maj. Gen., Commanding the Department.*

Orders No. 4.

HEAD-QUARTERS, THIRD DIVISION,  
*San Francisco, April 1, 1850.*

Until further orders are received, the monthly commutation for quarters in the division is established at twenty-five dollars for room, from and after this date. Fuel will continue to be commuted at the rates fixed by the quartermaster's department.

By order of Maj. Gen. Smith.

J. HOOKER,

*Assistant Adjutant General.*

*Sacramento City, Sept. 14th, 1849.*

SIR : From information received last evening from Mr. Craig, an emigrant, who had just arrived by the northern or Lassen route, I have decided to send a portion of the supplies in that direction, and have selected you to proceed to Lassen's rancho to procure about 25 head of fat beef cattle, and a few pack mules ; you will also hire six or seven good men to drive the mules, cattle, &c. The cattle, as well as any other provisions you may get, will be issued to any of the emigrants who may be actually in want, and any animals you may have, will be loaned to assist them ; special care must be observed in ascertaining that those to whom assistance is rendered are actually in want. It is necessary that receipts should be taken from the heads of families for provisions or animals furnished them. the animals to be turned into Messrs. Smith, Bensley & Co., at this place.

It is necessary that the party should proceed to the extreme point on the road where emigrants are to be met, as those in rear will probably need the assistance, and you must not issue anything until you are satisfied of the extent of the emigration, and where the rear wagons are. If I find that there are more persons on that road than are now reported, I will send out a farther supply, and thus be enabled to furnish those who may be nearer in.

Respectfully, your obedient servant,

(Signed)

D. H. RUCKER,

*Brvt. Maj. 1st Dragoons.*

JOHN H. PEOPLES.

A true copy.

D. H. RUCKER.

*Brvt. Maj. U. S. A.*

*Sacramento City, Cal., September 16, 1849.*

DEAR SIR : I wish you to leave here to-morrow, and keep a day or two ahead of the pack-train, in charge of Mr. Chandler, going out to meet the emigrants on your arrival at Nye and Foster's rancho, which is at the mouth of the Guba river, on or near your direct route. Please inform them that Mr. Chandler's party is approaching, that they may have 40 head of the cattle I purchased of them in readiness. Try and learn as near as possible the day that Mr. Chandler will be two days march (about 70 or 80 miles) in advance of Nye rancho, which is the point at which they were to deliver the cattle. I wish you to go, if possible, to the rear of the emigration on the Truckey route, and ascertain at which point, and how the greatest assistance can be rendered to the emigrants. Send back to Mr. Chandler, and direct him accordingly.

I am, sir, your obedient servant,

(Signed)

D. H. RUCKER,

*Brvt. Maj. 1st Dragoons.*

Capt. KILBURN, Present.

A true copy.

D. H. RUCKER,

*Brvt. Maj., U. S. A.*

*Sacramento City, Cal., September 18, 1849.*

DEAR SIR: I wish you to proceed with your party of pack-mules on the Bear River, or Truckee route, until you have passed the emigrants on their way to this country. On the road you will issue provisions and loan mules to all whom you think are in need of assistance, taking care to take receipts from the heads of families for the same, the receipt for the animals to state that they are to be turned over to Messrs. Smith, Bensley & Co., of this city, immediately upon the arrival of the person or persons borrowing them, to that place or its vicinity.

You will please keep a journal of all the trains of emigrants you may assist, mentioning the conductor's name, &c. In a few days' journey from this place, you will have turned over to you by Messrs. Nye and Foster, forty head of beef cattle, which you will have driven with your party, and issued to the emigrants as their necessities may require, taking receipts for the same, which should state their weight as near as possible.

The object of the expedition being to relieve all emigrants who may be in want, you must use a sound discretion in the distribution of your animals and provisions, so that all may be assisted as equally as possible to the utmost of your power.

In returning, should it become necessary to assist families or sick persons, you will dismount your men, and give their animals for that purpose, directing the men to move with such wagons of destitute families, or sick persons, and assist them on their way in.

Great care should be taken of the cattle and mules at night, so that they do not escape, else the object of the expedition might be defeated. I have sent Capt. Kilburn a few days in advance of you—please obey any directions he may send back to you.

I am, sir, very respectfully, your obedient servant,

(Signed)

D. H. RUCKER,

*Brvt. Maj. 1st Dragoons.*

MR. JOHN CHANDLER,

A true copy.

D. H. RUCKER,

*Brvt. Maj., U. S. A.*

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*Sacramento City, September 20th, 1849.*

SIR: Owing to the bad success of your pack train in its start from this place, I have added to it four wagons, which you can take with it to the mountains, where you may leave them, if they cannot be got over, and pack your provisions to the end of your route.

You now have in your train four wagons and teams, 109 pack mules, 12 horses, 93 sacks hard bread (3470 lbs.), 20 sacks pork (2,000 lbs.), four sacks flour (392 lbs.), two sacks rice (160 lbs.), 92 sacks barley (about 175 bushels).

All this independent of 40 days' rations for your party, forty head of cattle will join you at Nye and Foster's rancho. I trust that the number of mules that have already strayed from your party will show you the necessity of keeping a safe guard at night, and during your halts in the

day. In my letter of a day or two since, you will find your detailed instructions.

I am, sir, respectfully, your obedient servant,  
(Signed) D. H. RUCKER.

MR. JOHN CHANDLER,

*In charge of teams and pack mules,  
Camp, South Fork, Sacramento.*

A true copy.

D. H. RUCKER, *Bvt. Maj., U. S. A.*

*Sacramento City, September 20th, 1849.*

SIR: I have determined to send on your route, within the next two or three days, about 30 pair of work oxen, and some loose mules.

They will be under your direction, and you can send back any instructions and dispose of them as you may think best for the benefit of the emigrants.

I will direct the person in charge of them accordingly. They will leave here day after to-morrow. Please show this to Capt. Kilburn immediately on your meeting with him.

I am, sir, your obedient servant.

D. H. RUCKER,  
*Bvt. Maj., U. S. Army*

JOHN CHANDLER, ESQ.,

*In charge of mule train on route over the mountains.*

A true copy.

FRED. STEELE,  
*Bvt. Capt., 2d Inf.*

*Sacramento City, Cal., Sept. 25th, 1849.*

SIR: Your letter from Nye and Foster's rancho reached me to-day. I cannot conceive why the beef cattle were not taken. I furnished Mr. Chandler with six men mounted on fine horses, expressly to drive them. They were of importance to the party, and the object for which they were got up, and if any accident occurred which prevented their delivery at once, the party should have waited a day in order to get them. Mr. Chandler cannot say that he had not enough of men, for on his arrival at the mountains, when he will leave his four wagons, he would then have the four teamsters to assist in packing. I regret that you did not direct him to halt and wait for these animals, and not to have calculated on the oxen I was sending in your rear. I simply intended them to assist the emigrants in crossing their wagons over the mountains, and not as beef. I trust that nothing may occur on the balance of your route that will prevent the rest of my arrangements towards fulfilling the object of the expedition, and the wishes of General Smith from being carried into effect. Col. Foreman will follow you with the work oxen

and some pack mules, and is instructed to obey any orders you may send back to him relative to the distribution of his animals.

Please show this to Mr. Chandler.

I am, sir, very respectfully, your obedient servant,

(Signed)

D. H. RUCKER,

*Bvt. Maj., 1st Dragoons.*

Captain KILBURN,

*Charge of parties, Truckey route.*

A true copy.

FRED STEELE,

*Bvt. Capt., 2d Inf.*

*Sacramento City, September 26th, 1849.*

SIR : I wish you to proceed with your party of mules and work oxen, for the relief of the emigrants, on the Bear Creek or Truckey route.

Mr. John Chandler has preceded you on this road by some days, and I have informed him that the party of which you have charge would follow. You will therefore please fill any orders he may give to emigrants on you, for oxen or mules. I have received a letter from Captain Kilburn, whom I sent ahead of Mr. Chandler, stating that he did not take with him the beef cattle I purchased of Messrs. Nye and Foster. Should he not have sent back for them, and it becomes necessary for the subsistence of the emigrants, you can kill for beef some of your oxen, which have been purchased with that view. I had intended these oxen to assist through the mountains any emigrants, particularly the families who might have lost their teams by death or otherwise; but as I have before stated, should it become necessary you can kill and issue them as beef. I wish you to proceed on the route, until you ascertain that there are no more emigrants on the route, being always careful to husband your means, so as to be able to assist to your utmost any that may be in the extreme rear. When you find families or sick persons, you must assist them if you are obliged to dismount your men for that purpose, and if necessary leave a man or two with them to assist any sick persons or distressed families. Please mention to all emigrants you may meet the object of your expedition and its charitable character.

You will please take receipts for all animals you may leave, the receipt stating that they are to be turned over to Messrs. Smith, Bensley & Co. of this place, immediately on their arrival at or near this town.

Keep a record of the names of all persons you may assist, stating to what trains or party they belong, and the conductor's name. You have full rations for 40 days for your men, and have in your charge one horse, 30 1-2 yoke of oxen, and twenty-two pack mules.

I am, sir, respectfully, your obedient servant,

(Signed)

D. H. RUCKER.

*Bvt. Maj., 1st Dragoons.*

Colonel FOREMAN,

*In charge of ox train, for the relief of emigrants.*

P. S.—Should you not use the whole of the barley you have this side of the mountains, make a depot and leave it with your wagon. You



can use it on your return, or inform the emigrants were it is, that it may be issued to them.

Yours, &c.,  
(Signed)

D. H. R.

A true copy. '

FRED. STEELE, *Bvt. Capt., 2d Infantry.*

*Camp near Lassen, October 4th, 1849.*

GENTLEMEN : I received your letter of the 1st inst. by Dr. Strallon. I think Col. March or yourselves had better purchase about forty mules, if good ones can be had, and send them on the Carson river route. It may be that you can get oxen that may answer, but they should be fat and fit to travel fast and long. I would like you to get the party off as soon as possible ; it must go in two days after the receipt of this, or it may be too late. Send, if you can, about ten pair of oxen and thirty mules, with some grain, but not more than can be used, as I think it will be difficult to get much on the mountains.

The expedition must be gotten up with care as to expense, or I will overrun my means, and get into difficulty.

Send Mr. Harris in charge of it, by all means. I think he will not require many men.

Be careful, by all means, and get fat animals, or else they will be useless. Since I have received Capt. Kilburn's letter, I regret that I did not send Col. Foreman's party, with the oxen, on the Carson river route.

Please get a party of a few men and some good animals off to the assistance of the people as soon as possible.

I am, respectfully, your obedient servant,

D. H. RUCKER,

*Brev. Major U. S. Dragoons.*

SMITH, BENSLEY & Co.,

*Sacramento City, Cal.*

(A true copy.)

FRED. STEELE, *Brev. Capt. 2d Infantry.*

*Sacramento City, October 10th, 1849.*

R. W. HUNT, Esq. : Having entire confidence in your ability and fidelity, we give into your charge a train of pack-mules and wagons, to relieve the suffering emigrants to California, now coming in by the Carson river route.

You will proceed with the wagons as far as practicable, and thence hasten with your packs to the scene of distress. As accounts are so fluctuating, it is impossible to obtain at this point information sufficiently reliable to justify minute and positive instructions. Much, therefore, is left to your discretion ; you will be governed in everything you do by the motive of making the most of the means in your hands, to reach the object of your expedition. When you meet the emigrants, as your means are limited, you should be careful not to exhaust them by giving relief to those not in absolute want of it.

You will be held responsible for the disposition of the property confided to you. You should therefore take receipts from those you aid for everything, you turn over to them, so that you will be able on your return to account for your expenditures.

You will coöperate with the three trains that have preceded you under the respective directions of Messrs. Kilburn, Chandler, and Foreman, who started from here with the same object by different routes; but, as it is understood, have changed their course to the route by Carson river.

Brevet Major D. H. Rucker is commander-in-chief, and all instructions received from other sources will be subject to those you may chance to receive from him.

It is hoped that no time will be lost on the march; one day gained may be the salvation of many lives.

We hope to hear from you by every opportunity that offers; and if of anything sufficient importance occurs, you may despatch an express to us.

Respectfully, &c.,

SMITH, BENSLEY & CO.

Capt. HUNT,

*In charge of party on Carson river route.*

*Camp on the Feather river, October 26th, 1849.*

DEAR SIR: I received your note of the 22d inst. to-day. I was not surprised at hearing that the rear train of emigrants had lost their cattle. They are generally so careless, and their guard so inactive, that I think it strange the Indians do not steal all they have.

I think your plans of putting the families in your wagons, and packing the provisions, a good one. Hasten them on as fast as possible, but be sure, by all means, to bring up the rear, for it would not do to leave any behind. I have been obliged to loan almost all my animals to enable the families to leave this place, their cattle being so far gone that they could not get over the hills without my assistance.

I start to-morrow morning for Sacramento city, and have left behind me at this place two wagons, eight mules, and two horses in charge of Mr. Rogers, with five men. I had determined to leave one of the wagons. You can have the other if necessary, or use it with the mules to take the families or sick persons to the settlements. Mr. Rogers will inform you what disposition I directed the emigrants to make of the animals loaned them. Do not loan any animals to go farther than Lawson's, but see that all the women and children have the means of riding that far, if you are obliged to make your men walk. There the emigrants are safe, and I must have all the animals at Sacramento city as soon as possible, in order to settle my accounts.

When you arrive at Lawson's, see Mr. Davis yourself, about the animals left in his charge, and pay him what you think right.

You had better start your party on at once, leaving behind Mr. Seaton, who is now here, with five or six of your best oxen, to collect and bring all the animals together with the wagons at Davis.

My health is somewhat improved, though I have as yet by no means recovered my former strength. I shall expect to see you at Sacramento by the 20th of November, at farthest.

Respectfully,

D. H. RUCKER;

*Brev. Major 1st Dragoons.*

Mr. PEOPLES,

*In Charge of advance party, Northern route.*

*For the information of all emigrants on the Lawson's or Northern route.*

*Camp on the left branch of Feather river, Oct. 13, 1849.*

The undersigned is on this road with provisions for the relief of all emigrants who may be in a starving condition. These supplies have been forwarded by order of General Persifer Smith, the military commandant of this country, to be furnished only to those who are in a destitute state. I have a few beef-cattle, (some thirty head,) some hard bread, flour, pork, and a little rice.

The bearer of this, Mr. Hicks, has passed over the whole of the route to Lassen's, in the valley of the Sacramento, and will give any information to the emigrants that is necessary for the preservation of their stock or their speedy progress. I would advise all families who may be in the vicinity of the Sierra Nevada, or whose teams are not in fine condition to throw away all heavy articles that they can possibly do without, and push on to Feather river valley, where there is plenty of grass, and to remain there one or two days to recruit their animals, also to cut grass sufficient to last their stock from Deer Creek valley to Lassen's, which is about fifty-three miles, over a very hilly and rocky country, without a blade of grass for the whole distance.

I believe that it is important that all the families should move on to the utmost of their abilities, as the season is far advanced, and the danger of being caught in the snow in these hills by no means slight. For that reason I have advised that those who are far in the rear, and have light teams, to throw away all heavy and useless property; to keep only their provisions and actual necessities.

The distance from Feather river valley to the valley of Deer Creek, is about fifteen to twenty miles. In Deer Creek valley there was grass sufficient for the stock to eat during the night, but not of sufficient length to cut for hay: hence, the necessity of cutting on Feather River.

Respectfully,

D. H. RUCKER,  
*Brvt. Maj. 1st Dragoons.*

*Camp near Pitt River Valley, Oct. 20th, 1849.*

SIR: From information elicited from various packers yesterday, corroborating previously received intelligence from the rear, whose whereabouts is now settled beyond question, I shall return to Feather river valley this morning, taking with me a small portion of the supplies now on hand. My health is such that it is doubtful whether I would be able to continue on horseback; and as it is necessary for one of us to return with the supplies, I have directed you to take command of the party, and proceed on with all dispatch till you reach the rear, when you will use every exertion to bring the emigrants into the settlements.

Admonish them of the lateness of the season, and the great probability of a snow storm, and urge them to throw away every thing of any weight that may not be absolutely necessary on the road.

And if I find it necessary to leave the valley of Feather river before you return there with the party, I will leave at the depot a sufficiency of provisions to last your party in.

Respectfully, your obedient servant,

D. H. RUCKER,  
*Brvt. Maj. U. S. Army.*

JOHN H. PEOPLES.

*Davis' Rancho, Cal., November 12, 1849.*

SIR: You will take the best of the mules from the carral this morning, pack upon them about 400 pounds of flour, 300 pounds of pork, and about 20 bushels of wheat, to feed the mules; you will also take as many yoke of work-cattle as Mr. Davis can furnish up to the hour of your starting. If the number of cattle will suffice, you will bring in the three wagons left at our camp near Deer Creek valley, and such weak and infirm persons as you can get into them. But if you have only enough cattle to bring in the wagons, you will discriminate, and put in those wagons such persons only, as in your judgment cannot proceed on foot or on mule-back.

To persons this side of our wagons, you will not furnish any provisions, but reserve all till you get up to the families in the wagons. To Mr. Moody and family you will furnish three mules; to McCourtney family 2, and to Mrs. Wilt one mule.

On arriving at our back wagons, you will be particular to notice that no woman or child who can walk will get into the wagons. Issue out the provisions sparingly to all, and remember that persons can live on half-rations for fifteen or twenty days. Urge the emigration by all means in your power to hurry in, and admonish them that our means are exhausted, and that unless another appropriation is made, there can be no further relief from us. If you find the road bad, as we found it coming in, advise all to abandon their wagons, unless they have a sufficiency of provisions to remain in the oaks for a long time.

If, on arrival at our wagons, you find that Mrs. Fink is near there, and in the rear, you will, after dispatching the wagons, take two or three of your mules, and tender that lady what assistance may be in your power. This is a matter in which I will leave particulars optional with yourself, believing that you will render that lady all assistance in your power.

Issue and charge the rations you take out to those who receive them. I will join you in two or three days on the road, and render you such assistance as is in my power.

Respectfully,

(Signed)

JOHN H. PEOPLES.

MR. E. H. TODD.

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*Sacramento City, November 13th, 1849.*

SIR: You will proceed in company with Mr. Rogers, to join Mr. John H. Peoples, at Lawson's Rancho, without delay, and deliver to him the package herewith entrusted to you. You will endeavor to purchase at the Rancho, on Bute Creek, some six or eight yoke of fat work oxen, which are in that neighborhood. They were offered to me, on my return to this place, at \$225 per yoke; and, it is presumed, can still be had at that price. Do not let this, under any circumstances, detain you more than one day, as it is important that you join Mr. Peoples with the least possible delay.

When you arrive at "Lawson's Rancho," I wish you to assist Mr. Peoples to the utmost of your power, to carry out the object of relieving the destitute emigrants in that direction.

The strictest economy must be used in the expenditures of public money.

If Mr. Peoples should at any time be too sick to discharge his duty, he is instructed to turn over to you the charge of the expedition.

Very respectfully, your obedient servant,

(Signed)

D. H. RUCKER,  
*Bt. Maj. 1st Drags.*

E. C. CHADWICK, Esq., *Present.*

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*Sacramento City, Cal., November 13th, 1849.*

SIR: I received your letter of 9th instant, by hands of Mr. Rogers, and was sorry to learn you had such bad success with the rear of the emigration. I had just engaged an express to send you when Mr. Rodgers arrived.

I am somewhat surprised that you did not buy animals, and act at once without waiting to hear from me; I think I should have done so in such an emergency.

I have Mr. Rogers back with the Chadwick to assist you. I wish you to buy fat oxen, if you can get them; if not, get mules sufficient to bring the families and sick to such a point as you think safe from snow, and within reach, without difficulty, of Lawson's Rancho. You must, at all events, get some gentle cattle for beef. Buy some flour, if it can be had, to leave with the emigrants: if it cannot be procured, buy beef and issue that. Those families must, at all events, be brought into the valley to a point, at which they will be perfectly safe before you leave them. I saw some fine oxen at Bute Creek when I came by. I have instructed Mr. Chadwick to buy some of them and take them with him. Enclosed is authority for you to draw on Messrs. Smith, Bensley & Co., for nine thousand dollars, (\$9,000,) which I hope you will use with the utmost economy. When you have completed your expedition, if the weather should continue bad, and it be found difficult to get the animals and other public property to this place, sell at auction, and join me without delay. If you should get sick, give charge of the expedition to Mr. Chadwick, and turn over these instructions to him. Do not relinquish your charge, however, until you are not able to get out of your bed. I will give Mr. Chadwick \$1,000 in coin with this, and with what remains of your old expedition, I think you can bring in all the families and give them considerable subsistence. What you do, must be done as soon as possible, for there is no telling how deep the snow will be before the end of the month. You must tell all the emigrants that they must be more active and get to the valley at once, or they may perish. I cannot conceive what they are thinking of. Their own lives and the lives of their families are certainly worth more than their wagons and effects. Get all the work oxen and mules you can and send them out loose to haul the women and children. I suppose that yokes, &c., can be found in abundance all along the road; you are there on the ground and know what is best to be done. Bring in the rear families and keep the rest to the utmost of your means. Be careful and get official accounts duplicates for all you purchase. Keep all the provisions, such as flour, etc., on a separate account from the mules, etc.: Mr. Chadwick has a form.



I regret that I am unable to join you in person, but my health is not well enough established to warrant the undertaking.

Independent of taking official vouchers for all purchases and expenditures made, you should be careful to keep an accurate record of all drafts drawn, showing the name of the person in whose favor they are drawn, and for what purpose, the amount, etc.; especially, leave no unsettled business behind you.

Very respectfully, yours, etc.,  
(Signed)

D. H. RUCKER,  
Bt. Maj., 1st. Drags.

JOHN H. PEOPLES,  
Lawson's Rancho.

TO GENERAL P. SMITH, *Commander in Chief in California, or any of his officers.*

We, the undersigned emigrants, respectfully beg leave to represent, that on the night of the 19th October, the Indians drove off nearly all of our stock, oxen and horses, which places us in almost a helpless condition, as we were obliged to throw away a great deal of our provisions and clothing, to enable us to make some progress towards our destination; the season being so far advanced and danger of being caught in a snow storm. The able bodied men of the company feel themselves compelled to remain with the train to render all their assistance to the helpless women and children, of which there are twenty-five in number. The above robbery was committed upon us at Goose Lake, near the head of Pitt's River, on Lauson route.

We would, therefore, earnestly solicit that the earliest help should be sent us from the settlements in teams and provisions, as otherwise we consider it impossible to reach the settlements.

M. M. BUSSARD,  
Capt. of St. Louis Company.

Archibald Henly, and family.  
J. Chandon, and family,  
John F. Stibbs, and family.  
W. G. Clough.  
Geo. W. Macfie, and family.  
Abijah Hunt.  
John T. Taylor.  
James A. Martin.  
H. B. Dunham.  
Jacob Holmes.  
Robt. R. Roberts, and family.  
Bernadotte Little.  
A. J. Galbraith.  
Wm. Brown.

W. W. Prescott.  
Wm. Roberts, and family  
Alfred Sarnkies, and family.  
A. Shepard.  
J. C. Moorehouse, and family.  
A. and J. C. Ledlie.  
John Keyes.  
John Rowland, and son.  
R. D. Smyth.  
Jessie Lee.  
H. L. Ingalls, and son.  
L. W. Pollard.  
John Roberts.

*Sacramento City, November 4th.*

MAJOR RUCKER, SIR: I received at the hands of Cpts. Kilburn and Chandler two mules and two horses, which they desired to return to the

city, as unable to perform the trips over the mountains ; I consented to do so and delivered them as verbally instructed, to Smith, Bensley & Co.

I also met Col. Foreman, near Grass Hollow, and being about to leave a wagon, from the loss of six or eight mules. Col. F. Kindly offered me two yoke of oxen for which I receipted, one of which I returned to the firm of Smith, Bensley & Co.

The other yoke strayed off, and we were only enabled to find one of them, which was dead. Every exertion on my part has been made to recover the remaining ox, but the diligent have been totally unsuccessful.

This yoke of oxen escaped from me before I reached town, or I should have turned it over to the proper authorities at once.

However, if it is your pleasure, make a bill for the last ox. I will send it to Priest, Lee & Co., my office or my house, and I will at once meet the demand ; on the other hand, if you please, I will extend the research.

With all due respect,

I am your most obedient and humble servant,

F. J. WHITE.

At one time we thought we had the ox, but were mistaken.

*Weaversville, October 31st, 1849.*

CAPT. CHANDLER, SIR: I send by the bearer, *one of the two mules* that I received from your relief company with many thanks.

The other mule with one that I had of mine own, and the only one that I did own, I am sorry to say, has got away from me after I arrived at this place. Your mule, I believe, has taken the road for the S. city. I have a man who started yesterday for the city and if he finds it, will deliver it to you, in the meantime I shall continue to hunt the woods for miles in this section, hoping that I may yet find the animal, as well as my own. My family as well as myself cannot feel sufficiently grateful to the government, as well as to its officers, for the aid received ; at the same time I am grieved to think that you should sustain any loss on our account. However, I have the satisfaction of knowing that I had taken all the pains to watch the animal, that was possible. Please let me know if you should find or receive the mule that is lost ; the mule is black, has been around the nose with the halter, and is a mare, and has fifteen feet of rope on its neck.

Yours, most respectfully,

J. RYCE.

*Lake, East of Feather River, October 26, 1849.*

To Major RUCKER, or others, in command of Government Relief of Emigration.

DEAR SIR, OR GENTLEMEN: A situation, the most critical and distressing, of a numerous and helpless family, compels me to trouble you with a recital of circumstances that have befallen us on our journey from Missouri to this point. I left the state provided with eight yoke of cattle and two wagons, one of which was loaded with provisions sufficient for

the trip, the other for the conveyance of the family ; but misfortune overtook us at an early period, in the loss of some of our cattle, thereby compelling me to leave one wagon and the chief part of our provisions, in order to enable me to proceed with the other ; but the worst and most painful part of my task is to be told, by informing you that my wife, who has been confined on the route, lies very ill in the wagon, and my father, a man 76 years of age, is in as bad a situation, occasioned by the loss of the use of one of his legs, by the bite or sting of some insect on Bear River, thus rendering our situation deplorable in the extreme, being reduced to five head of miserable cattle, three having given out through want of food. And to add to our troubles, last night, through the negligence of a part of the guard, 18 or 20 head of our best cattle have been driven off by the Indians. I am travelling in company with four other wagons, one of which contains a family who are reduced to one yoke of cattle ; beside, we are out of provisions, and unless your goodness of heart induces you to send us relief, we know not what will become of us.

With great respect, I remain your ob'dt servant,

WILLIAM MARA,

*From St. Louis, Mo.*

F. L. T.

P. S. Major Rucker will remember having seen me between here and Pitt's River, and affording us some relief.

SMITH, BENSLEY, GENTS. : Yesterday my family reached town, and I send you, as per request, a yoke of oxen, which Col. Foreman was kind enough to have us take, with one other, which my boy turned out to graze last evening, and will be sent you as soon as we get them up. I receipted to the Colonel for these two yoke. Capts. Kilbury and Chandler delivered to me two horses and two mules for our use, which I return to you. My nephew delivered two mules. I now send the horses.

The three men who returned with some six or seven mules entirely unable to cross the mountains, have reported to you their condition, I dare say ; one mule was delivered to Mr. Brown, of Gordon's train, one to Gen. Moore's train. The latter has strayed, as he told me yesterday, being entirely broken down ; he was sent for a day or two afterwards, and was found. The former, I presume, has been delivered also to you by Brown. I know that several of the mules in Robertson's party failed entirely, and they were obliged to leave them.

I will see you as soon as *well enough*, and give you particulars.

Respectfully,

T. J. WHITE.

October 28th, 1849.

Maj. RUCKER, DEAR SIR : The situation of our mess is such as compels us to ask for some aid from government in the way of provisions, as we have but two or three days' ration of bread and meat. Two of the mess are sick with the scurvy.

Yours, with respect,

COOK & CO.

*Sacramento City, September 17, 1849.*

Maj. RUCKER, SIR : I have been informed that you were, on the part of our government, sending out provisions to relieve the emigrants now on their journey to this country. I have just come in from the northern route, and can assure you from my own knowledge, that many are now entirely destitute of provisions, while others will not have a sufficiency to bring them within many days travel of the Sacramento valley.

Since I have piloted the foremost wagons on the northern route, many, in fact nearly all of those in the rear have followed ; and I would most respectfully suggest the propriety of your sending them such relief as their present situation requires.

Very respectfully, your ob't servant,  
MILTON MCGHEE.

*Sacramento City, Nov. 7, 1849.*

DEAR SIR : Permit me to offer you, and through you, the constituted authorities who authorized it, my most grateful thanks for the timely and efficient aid which you so freely and generously afforded me in overcoming the passage of the mountains ; without this aid, our sufferings must have been severe in the extreme. My gratitude is proportional.

It will not be deemed impertinent in me to say that the manner in which you conducted your operations while under our observation, commanded the approbation of our whole train. Mrs. S. wishes me to express her thanks for the kindness and care manifested for her while under your especial charge.

I remain, yours, respectfully,  
CHARLES SACKETT.

Capt. R. W. HUNT,  
*Sacramento City.*

*Seek Springs, October, 1849.*

This is to certify that on the night of the October, a horse and mule belonging to the U. S. was stolen from my guard, and, also, two belonging to myself, from my camp near the said springs, the thieves are supposed to be the Indians. Every effort was made to recover the property of the U. S., the pursuit was kept up three days and nights without success. I receipted to Mr. Clarke for the mule, and now report him lost, as above stated.

B. B. BROWN,  
*Commander, St. Louis Camp.*

We, the undersigned, certify as travelling in Dr. Brown's train, the above, as stated, to be true.

M. GIBERGA,  
GEO. CONGDON,  
G. H. FOGG.

*To the Government Relief Company.*

MESSRS : As we understood the relief train in advance of you had addressed you a line on the propriety of your returning, stating that they

would bring up the rear. We beg pardon for troubling you with a knowledge of our circumstances. We, as a company, are out of provisions.

Your advance relief company were under a special promise to Mr. McCourtney (who had left us and his family a packing,) to supply this company, and more especially his family, which they failed to do by taking one road and we another on Pitt's River, and they are now some one hundred miles back of us, and can do us no good.

We are now some thirty-five miles from you, and will be up as quick as possible.

You will do us a great favor in waiting.

Yours, with respect,

October 28th, 1849.

JOHN K. ROOT.

*Sacramento City, November 14th, 1849.*

Major D. H. RUCKER,

*U. S. Dragoons.*

SIR: Herewith I have the honor to transmit you a report of proceedings under my command, whilst in charge of the first relief party, which left the city of Sacramento in aid of the suffering emigrants on their route to California.

In obedience to orders, I proceeded on the 14th day of September, A.D. 1849, to make the necessary arrangements preparatory to departure on the expedition to which I was assigned, and to that end, moved over with my command consisting of thirty men, one hundred and nineteen pack mules, thirty horses, and four wagons, loaded with provisions to the west side of the American fork of the Sacramento river, where I encamped and remained until the 20th of the same month. On the morning of the 20th, all things having been put in readiness for departure, our tents were struck and we proceeded from our encampment, taking the Carson River route to a place known as Nicholas rancho, some twenty-five miles distant from Sacramento City; here we encamped during the night of the 20th; from thence, the command advanced to Bear River, where we encamped and remained during the night of the 21st. Proceeding onward we reached Johnson's Ranch on Bear River on the night of the 22d. At this point I received a letter from Captain Kilburn, stating that he was going over to Age and Fortis Ranch, for forty head of cattle, and that he would meet my command at Steep Hollow on the 26th following. I then advanced toward the point designated by Captain Kilburn, but was compelled to abandon three of my wagons, which were loaded with provisions; in consequence of the failure of my animals and the difficulties of the route—before reaching the point he had named, to wit, on the 23d day of September; leaving two men in charge of the wagons and provisions I had been forced to abandon, I proceeded onward to a place known as Mule Spring, about 8 miles beyond Steep Hollow, where I encamped on the night of the 26th following.

On the morning of the 27th, I started the train under my command toward Bear River Valley, some 12 or 14 miles distant, placing the same under the charge of Mr. John Gates. I then returned to Steep Hollow



with six men, for the purpose of joining Captain Kilburn as previously advised. At this point I abandoned the fourth wagon under my charge, having placed the provisions which it contained on pack mules, and sent the same forward upon my route. Here I met with Captain Kilburn, and was informed by him that he was unable to procure the cattle he had gone in quest of, and that as he could not possibly get them for some days, he had abandoned the idea of getting them entirely. Upon consultation with Captain Kilburn, we determined to dispatch intelligence of the facts above named to yourself, which was accordingly done, after which, in company with Captain K., my command proceeded toward Bear River valley, whither the train had been previously sent, as already stated, which point we reached about midnight of the 27th. At this point I remained until the pack mules with the provisions came up, when I made a *cache* and deposited therein the provisions, barley, &c., with which the mules were loaded, proceeding thence to Grass Valley. I there met with Dr. White, to whom I delivered nine mules and two horses for his relief, placing under his charge at the same time three of my men who were sick and unable to proceed further. Sending back from this point for the provisions which I had *cached* as before stated, it was deemed advisable by Captain Kilburn and myself, under the impression that all the emigrants on this route with wagons had already reached the western side of the mountains, to change our course, and pass over to the Carson river route, which we accordingly did. Nothing of importance transpired in the course of our journey, until we reached the last crossing of the Truckee river, save that I distributed some 240 pounds of bread to pack trains which we met upon the road; this point we reached on the 6th October, and crossed over on the next day through the "Desert" to Barren river, encamping for the two following nights on the bank of this stream. I could discover no signs of any portion of the emigration having passed for several days. On the 10th following, I met with the family of A. Lamdell, Esq., consisting of himself, his wife and two children, who were in company with three emigrant wagons; they had unfortunately lost all their animals upon the desert, and were on foot. I gave them two mules and a horse, and received information from them that there were families behind upon the "Desert," destitute of animals of any kind, or the means of progressing upon their journey. I then despatched these men with five mules to their relief; this was upon the 8th day of October. On the 11th, following, a Mr. Edwards, whom I had dispatched as above stated, returned, and gave me information that Mr. Barnes, of St. Louis, with his family, were behind, and required immediate relief, as they had lost nearly all their animals, and were packing their remaining oxen, whilst his wife and daughter were compelled to walk. I then sent back to their relief ten mules, seven of which were for them, and three for Captain Dart, who, I had also been advised, was in a distressed condition, and required relief.

I then proceeded with my train to the *Canon*, on Carson River, which I reached on the 12th October. There I found some twenty wagons, the emigrants owning them having been previously passed by my train, and directed to advance to that point where relief would be given them. On the next day I distributed amongst the persons accompanying said wagons, about forty-four mules; finding them persons in a very destitute condition, and wholly unable to proceed without immediate and ex-

tensive aid. I was thus compelled to distribute amongst them a greater number of animals than would have otherwise been necessary. In consequence of having parted here with so many of my mules, I was forced to abandon one thousand pounds of bread, which I was fortunately not forced to regret, as the train relieved was abundantly supplied with provisions. Leaving this point on the morning of the 14th, I continued my return to Sacramento City. On the 16th following I met Colonel Foreman in charge of the second relief party sent out, whom I advised to cross the mountains, as he was well supplied with oxen, in order to afford additional relief, if necessary, to those whom I had already supplied with mules. On the night of the following day I encamped in company with Captain Hunt, also in command of a relief party, whom I met at Camp Creek, a point about 120 miles distant from Sacramento City. I here advised Captain Hunt to take about ten of his best animals and cross the mountains, and reach the rear of the emigrants I had relieved, as soon as possible, as I was fearful there were other emigrants still further back who might be in a suffering condition. Owing to the fact that my animals were failing rapidly, I deemed it advisable to return as fast as possible to Sacramento City, which I accordingly did, reaching there on the 21st of October, with a part of my train, the balance arriving on the 25th following. Nothing important transpired from the time of parting with Captain Hunt until my arrival at Sacramento City, all of which is most respectfully submitted.

With high consideration and respect,

I remain your obedient servant,

JOHN J. CHANDLER.

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*Sacramento City, November 8th, 1849.*

Major RUCKER,

DEAR SIR: In obedience to my instructions I left the City of Sacramento for the mountains, on the evening of the 10th of October, with the relief party placed under my command, and moved out five miles on what is called the Carson River road, or the new Mormon route.—We proceeded on towards the mountains the next, and the two following days, without meeting with any incident or accident, save the falling off of several packs, caused by the stretching of the ropes from having been wet by the rain of the 10th and 11th. On the 14th we met Captain Kilburn, of the U. S. A., returning, who informed us that the emigration was not so large as we had been led to expect, as much the greater portion of those who were behind, had been induced by Lieutenant Hawkins and several others to take the extreme northern or old Oregon route, which, owing to the lateness of the season, was considered the safest; he also informed me that Dr. P. B. Brown, of St. Louis, was entirely out of provisions, and was in a perfectly destitute condition, as he had all his mules and cattle frozen to death in the snow-storm of the 11th, and had been compelled to abandon everything, with his wagons, near the second or last summit. I immediately despatched two men with provisions to his relief, with orders to hasten on as fast as their mules could travel. That evening we encamped in Pleasant Valley. On the following day we met the Pioneer train in quite a crippled condition, having lost thirty of their best mules the night before, by the Indians,

and having been on short allowance for several weeks past. We met several trains also very much crippled and out of provisions, before reaching the point where we had determined to make a depot of our wagons; we furnished them such articles as they required, and rode on to the place we had fixed upon, some fifteen miles from the head of Pleasant Valley. Here we overhauled our wagons and put in sacks such provisions as we thought would be most necessary and desirable to the emigrants. On the following morning, having made all our arrangements for packing, we marched off and reached that night a point called Camp Creek. During the day we furnished several families with flour, meat, sugar and coffee; also gave them orders on the wagon for pickles and sourkrout, as some of them had the scurvy. At Camp Creek we found Captain Chandler, and learned from him that our aid would be required, perhaps, as far back as the sink of Mary's River. I here determined to pick out ten of the best mules, and with Dr. Duke and three men to push on with increased speed to the extent of the emigration, leaving the others to follow on slowly. The next day we reached Lick Springs, and then found the family and train of Dr. B. B. Brown, waiting for the return of the Doctor who had gone back after his wagons with the government cattle furnished him by Colonel Foreman. We then learned the particulars of the storm of the 11th. His wagons had just commenced the ascent of the last summit when they were overtaken by the storm; the wind blew so strong, the snow and hail fell so thick and fast that they found it utterly impossible to proceed any further, and were compelled to wait till the following day for it to abate; several of his train were frosted, and all of his stock, but two mules that were tied close to a large fire, were frozen to death. After travelling a few miles from Lick spring, we met with Captain Dent's train, packing their blankets, clothes, &c., on oxen, having deserted their wagons several days before, on account of the crippled condition of the latter. We gave him an order on our train behind for four mules, and rode on: a few miles further we met Wm. Barns and family, from St. Louis. We gave them an order for such provisions as they required, and proceeded on to Tragedy Spring, where we encamped for the night. We here saw Colonel Foreman, who had just returned from Lake Valley between the two summits, having left there all the cattle he had to dispose of under the charge of two of Captain Chandler's men. We made an early start the next morning, and in the course of the day saw much distress. One old man with his wife and daughter, who had nothing in the world but a few blankets, which they were packing on their backs. We let them have two mules and some provisions and continued our march. A mile or two further on we met Mr. F. J. Clayton, of St. Louis, who had packed from several days' journey beyond the sink of Mary's River, and learned from him the extent, number and names of the emigrants on the Carson route. He informed us that Captain Sackett's team was the last on the road and that we would probably not meet them for a hundred miles beyond the mountains, that there were several families with him, and it would be impossible for them to get over without assistance. We camped at Lake Valley that night, and there found the two men left by Colonel Foreman. They had disposed of all their cattle before our arrival, much to our regret, as we had intended to take some of them on with us to Carson Valley, beyond the moun-

tains for the use of Captain Sackett's train. The next day we crossed over the summit and camped in Carson Valley; shortly after we camped, two Germans came to us on foot and begged for something to eat; they told us that they had been out of provisions for seven or eight days, and had been compelled to subsist on the flesh they cut from dead mules for more than two hundred miles back; when they first came up they had strung around their neck about ten pounds of mule meat, which smelt so offensive that we sent them off to the river to wash themselves. When they returned they set down to supper and eat as though they never expected to enjoy another meal. The next morning we furnished them with provisions, gave them an order for a mule to pack their clothes and blankets on, and started them off. We left our camp about 8 o'clock, and after riding four or five miles into the Cañon, came across two more Germans even in a worse condition than those who had come to our camp the night before. They were so completely worn out by walking, and starving, and sickness, that they were scarcely able to stand; we gave them some provisions and two mules, and proceeded on our way; after leaving the Cañon about eight miles, we met the train of Captain Morris, of the U. S. Army, who had come out as the escort of General Wilson, his company were all in fine health, but considerably way-worn by their long journey. He had left most of his wagons on the desert, as many of his mules were broken down and unable to travel any further. We advised him to leave his remaining wagon, as we considered it impracticable for him to take it through without more delay than the lateness of the season would justify. We camped that night at the Hot Springs, in Carson Valley. The next morning, leaving my men encamped, to rest and herd the mules, I rode on in company with Dr. Duke, and met Captain S.'s train at the end of Carson Valley; we brought them back that night as far as our camp, and prepared to commence our return in the morning. The next day, after considerable delay, lost in re-arranging and selecting such articles as we deemed indispensable, we got the women and children with their luggage mounted, and started back. We advised the men to throw away everything but their clothes and provisions, to make carts of their wagons, and hurry on as fast as the nature of the roads would admit. We left them, not without feeling considerable anxiety as to the probability of their being able to get through the mountains before the snow, as the thick mists, heavy clouds, cold nights and other signs plainly indicated a coming storm. We camped that night at the spot we left three days before. I ordered next morning the mules to be fed with the only sack of barley we had left, as I determined to make a long march, and if possible, to get beyond the last summit before I stopped. We reached the top of the last summit a little after dark, and rode on to a spring seven miles beyond, where we camped for the night, making that day thirty-six or eight miles; this night was very cold. After arranging the best quarters we could for the women and children, they soon retired much fatigued. The following day we reached Lick Spring, where we overtook three of the Germans we had relieved in the Cañon. I determined to rest until the husbands and fathers came up, as the wives felt considerable uneasiness in regard to their safety. The next day I despatched Dr. Duke and one man with an express to Sacramento, for eight or ten sacks of barley or corn, as I deemed it almost impossible

to bring in my mules without feed, there being no grass whatever on the road between the camp I then occupied and Sacramento city, a distance of some hundred miles.

The next day Capt. Sackett, Mr. Westernhusen, Mr. Heart, Mr. Snyder, and men came up, much to the joy of the ladies and children. The next morning we looked back and saw the mountains covered with snow, and as we had had a small sprinkling the night before, we concluded to move down as far as the government wagon. I here determined to wait for the return of Dr. Duke with the barley, and drove my mules down to a valley some three miles off the road, where there was just sufficient grass to keep them alive; it rained incessantly the two days that we remained at the wagon. I left the wagon and seven mules with Capt. Sackett, as he had left his wagon on the desert, and had been packing up to this point; the government wagon afforded him a better facility of getting his family into the settlements, and having a cover, sheltered them from the rain. I met Dr. Duke returning with a wagon load of corn, some five or six mules, below the head of Pleasant Valley; we here encamped for the night. In the morning I took back the wagon as far as the head of the valley, where I found Capt. Sackett encamped. I furnished him with corn sufficient to bring in his mules, and relieved him of the charge of a poor old negro, who had been lying ill for more than a week with the scurvey at our wagon. We carried the negro to a hospital in Weaverville, and came on that night to the shingle machine; in the morning, after getting our breakfast at the Miner's Hotel, (our provisions being out,) we started for the city, and arrived about ten o'clock at night, tired, wet, and glad once more to enjoy the luxury of a dry, comfortable shelter.

Respectfully, I remain your obedient servant,

ROBT. W. HUNT.

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MAJOR: In obedience to your instructions of the 26th September, "to proceed with your party of mules and oxen for the relief of the emigrants on the Bear Creek or Truckey River route," I proceeded with my party on the evening of the same day as indicated, in the fulfilment of your further instructions to me "to mention to all emigrants you may meet, the object of your expedition, add its charitable character." I ascertained, before proceeding very far upon my route, that the succor united for it was needless, as all or nearly all the emigration had taken the northern and southern roads, and that all needful relief (if any) would be furnished by those who had preceded me thereon. My inquiries satisfied me that there was then upon the southern or Carson River route, an amount of emigration which, if not relieved, would find it extremely difficult, if not impossible, to push their way into the Sacramento Valley, without the assistance so munificently offered by General Smith. After proceeding some ninety miles on the route indicated in your instructions, and finding from day to day my former information confirmed, that said route was abandoned, I came to the conclusion to change my course, and take the Carson River route. I here stripped my oxen of their yokes and chains, that they might travel the more expeditiously, leaving them in a government wagon upon which was pasted a notice stating the object for which they were intended, and requesting that they



might be respected. I immediately retraced my steps some forty-five miles to Johnson's Rancho, where I took the most direct route to Carson River road, some part of the way, as I afterward ascertained, having never before been passed over by oxen or pack mules. After overcoming many obstacles, having reached the Carson road, I met Captain Kilburn, and had the gratification to learn that my course but coincided with his written instructions transmitted to, but never received by me. Soon after reaching this road, I was strongly solicited by the emigrants to furnish them with cattle, but believing that those who were yet far in the rear, chiefly needed assistance, I declined furnishing any, except in some cases breadstuffs from my own rations, and in cases deemed by me of necessity.

I proceeded in this way until within one day's march of the summit, where I met Capt. Chandler, who then directed me to issue from that time liberally, as most of the emigrants needing work and beef cattle were in and about the carrivan and summit, with their teams mostly broken down, lost, or stolen by the Indians. I have divided my oxen into two parties, sending the strongest over the summit, and established the balance at a depot some fifteen miles this side, going ahead with the others, giving orders upon those in the rear to emigrants whom I found in advance most in need. Capt. Chandler, who preceded me on my return, made some drafts upon me which were honored, and his drafts are herewith transmitted as part of my vouchers, together with my own receipts.

I herewith transmit in detail as part of my report, the statement of relief furnished to each train, family and individual, marked A.

In all my doings in this expedition, I have felt that a great responsibility rested upon me, and knowing that the great object of Gen. Smith was to render the greatest amount of relief with the means appropriated. I used my best efforts to carry out those views. That the relief afforded saved much suffering, and probably loss of life, I am satisfied.

With sentiments of regard and esteem,

I remain your obedient and humble servant,

FERRIS FOREMAN.

*Sacramento City, Nov. 7th, 1847.*

*Sacramento City, October 22d, 1849.*

SIR: As it may become important to know for future reference, the condition and manner of relief of the emigrants on the Truckey and Carson river levels, I have the honor to make the following report:

I left Sacramento City the 19th day of September, 1849, with three mule and four pack animals, the main party intended for the Truckey line under Capt. Chandler, who was also placed under my orders, consisting of thirty men. One hundred and thirty pack-mules and four wagons were to leave the following day; 30 of these pack-mules and the four wagons were loaded with flour, pork, and rice, for the relief of the suffering; in addition to the foregoing supplies, 40 head of beef cattle was to be taken up by my party on the road, and Capt. Foreman was to follow at the end of two days, with sixty head of American cattle, intended for beef, on draught, as the case should most require. My in-

structions from you required me to keep one or two days in advance of the main party, so as to enable me to judge of proper positions for depots of provisions, the condition of the emigrants, &c. &c., and finally to decide upon the point at which the whole party should stop or turn back. On arriving at Johnston's, I found that the 40 head of cattle intended for beef, were fifteen miles off the road. As I at that time thought it necessary and important to take on those cattle, I departed at once for that rancho; on arriving there, I found Nelson, Rye and Foster had sold out to Mr. Carnand, who was unable to give me the cattle under two days from that time; if, therefore, I should receive the cattle, and have them driven the two days as per contract, I would be thrown at least two days behind the drivers hired for the cattle, who were in Capt. Chandler's party, as the cattle were wild, and I alone, with my small party, could not drive them, guarding them at night, &c. I was under the unavoidable necessity of leaving them.

I was the more satisfied on this decision, as from all I could learn, the emigrants were now in need of transportation. Their provisions I accordingly turned back to Johnston's rancho. I found that Captain Chandler had passed with his party the day before; the work-cattle had not come up. I continued my route on the Truckey line; the second day I found three of the wagons left by Captain Chandler on account of bad roads. I overtook him in "Steep Hollow." His party was at the time some fifteen miles in advance. Passing him, I camped in a valley about thirty miles from the summit. As we were now approaching the rear of the emigration on this road, I endeavored to obtain accurate information of our road, the actual condition of the emigrants on it. On consultation with Dr. White, he informed me there was but one other train behind. This proved to be true; and as I found I was at the time but about fifty miles from the Carson line, where we could dispose of our relief to better advantage, I concluded to change over to that route. We accordingly struck the Carson river line in about sixty miles.

I was the more confident of your approval of this change, as we had discussed the propriety of it before my departure from Sacramento city, and your authority to do in the matter as I thought best was, as you recollect, given me. On this line we found many in great need. Our mules and horses were all given out before we reached the summits, and many were supplied with provisions; a list of a small portion of them is attached to this report. On the summits we found a fall of snow, and in many places it had drifted to four or five feet in depth. In a short report of this kind it is impossible to detail the amount of suffering relieved by my party on the two lines. The energy and generosity of the government in thus relieving the needy was openly expressed and commented on by the whole of the emigrants. After passing the two summits on our return, we found many in the utmost need. They were not only relieved by my own party, but meeting Captain Hunt, I directed him to supply all again, if they were in want. At Camp Creek I met the sixty head of cattle originally sent upon the Truckey line.

I directed Captain Foreman, who was in charge of them, to keep on the route, and not to issue until he had passed the summits, except six cattle to Dr. Brown, who was on the last summit, and who had lost nearly all his cattle in a storm. Captain Hunt I directed to continue on the line until he had gained the rear (if possible) of the emigrants on

the line, unless he found his supplies of mules and rations fail by giving them out to the needy before. My trip continued in all thirty-three days. Some days I travelled forty-five miles. The whole distance passed over by my party was, as estimated by me, 450 miles.

I have the honor to be, respectfully, etc.,

CHARLES L. KILBURN,

*Brev. Captain U. S. A.*

To Major D. H. RUCKER,  
*1st Dragoons, U. S. A.*

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*Sacramento City, Dec. 12th, 1849.*

SIR : In accordance with instructions received from you on the 14th of September last, I started with three men and two pack mules, the following morning for Lassen's Rancho, the extreme northern frontier settlement, where I was ordered to fit out an expedition to relieve the emigrants on the northern or Lassen route. On reaching the Rancho of Nye, Foster & Co., I deemed it advisable to purchase beef cattle at that place, as I could procure them on moderate terms, and have them delivered ready branded at the depot of Lassen's. Before reaching the last named place I succeeded in purchasing a number of pack mules, and in hiring several men for the trip, which enabled me to start for the mountains on the 22d. On that day the party met with a large number of emigrants on foot, and it was with the utmost difficulty we could keep the cattle in the road, unaccustomed, as all California stock is, to seeing man, except on horseback. Eighteen miles on the road the herd broke into several parties, and into as many directions, and night coming on, and the jaded state of my animals rendering it impossible to get them all together in the rocky and broken hills over which the road passes, I was forced to gather as many as I could before dark, and drive them into a deep cañon, hard by, for security. The next day I started with 19 head, but killed three which could not be driven along, and turned them over to families encamped there. On the 25th reached Deer Creek Valley, from which point I sent back three men. The next morning started for and entered the valley of Feather river, where I issued supplies to a number of destitute families and packers. Up to the 30th made good marches, and without aught happening worthy of record. On that day myself and three men contracted the mountain fever, and I sent two of the men back to the settlements, as they were unable to mount their horses. The next day, at noon, descended into the valley of Pitt River, and travelled seven miles on the banks of that stream to good grass. The Indian fires blazed up in all directions, and being advised of the depredations committed upon the stock of the emigrants, the guard was doubled. The following day the fever raged with such violence that I was forced to halt. The next morning, at 9 o'clock, the guard fired upon some Indians, who were amongst our stock, and before we could get to them, although the distance did not exceed 200 yards, and every one, sick and well, jumped to their arms at once, the Indians succeeded in driving off six of our best animals. The next morning, the party on the trail, consisting of four persons, encountered between 400 and 500 Indians, and returned to me with news to that effect. I was advised to move to an emigrant train for the security of my stock, but I was too weak to do so. The next morning, however, I

made a forward movement, but before night was convinced that I would only delay my party by remaining with them; and having been kindly offered a place in Doctor Austin's wagon, and all the medical attention he could bestow, I started back on the morning of the 7th October, with the Washington City train, first having turned over the command of the party to E. H. Todd, one of the most experienced of men, and instructed him as follows:

“October 7th, 1849.

“This morning E. H. Todd will take the command of the relief party, “and will proceed on without delay to the rear of the emigration on the “northern route. He will at least go as far as Mud Lake, beyond the “Sierra Nevada, unless he is well advised that all the emigration is over “this side of it. He will issue provisions only to such as are in want, “and will refer to the orders of Major Rucker to myself, for guidance in “other matters.”

“JNO. H. PEOPLES.”

In his report to me, Mr. Todd uses the following language: “I reached the summit of the Nevada the day after I left you, and learning “from a reliable source that the rear wagons were near me, I kept the “beeves on this side, and took a man over with me to tell the emigrants “where we were, and to bring them over. On the 16th, after seeing the “last wagon pass over, and having issued all my supplies out, I started “down, first having cautioned the emigrants to guard their cattle well, “and urged them to hurry on down to Feather River, where I expected “you would have supplies.”

On the morning of the 16th of October, the mountain fever having been broken on me by the skill of Dr. Austin, I started back towards the mountains with the party under your immediate command, and continued with you until the 20th, on which day you deemed it advisable to return to Feather river valley, with a small portion of the provisions, as you had satisfactorily learned where the rear of the emigration was. I left you with thirty-five wagon, pack and riding animals, two wagons loaded with provisions, and fifteen beef-cattle. The next day I met Todd's party returning from the mountains with eleven riding and pack animals, and ordered him to join my party. We entered Pitt river valley that evening, and being perfectly advised as to the whereabouts of the rear wagons, issued my supplies less sparingly to the few trains I met. The night of the 21st, the Indians made several attempts to drive off our stock, but we were too strong and too vigilant for them. The next morning, however, when we got ready to start, the valley and hill-side were covered with them, and I was forced to send ahead a small party to drive them from the brush which lines the stream, to keep them from shooting arrows into my cattle. At 12 A. M. (22d) reached a point on the river which I knew afforded excellent grass, and from which it would be difficult for Indians to drive off our stock. In one day I expected the rear would be down to this point, and I could start back, but before dark a company of packers came in from the “St. Louis Train,” and brought me a note stating that all their cattle had been stolen by the Indians, and that they were in great distress, although progressing slowly towards the settlement. If you recollect, I expressed to you my fears that the rear would lose their stock, but I never ex-

pected that in a company of thirty-two able-bodied men, a guard would be neglected. Early the next morning, I dispatched five men to hurry them into my camp, advising them by letter that I had a sufficiency of provisions, and enough of wagon-room, to take in the twenty-five women and children. The 24th and 25th passed off in waiting for their arrival. Early on the morning of the 26th, so soon as it was light enough to distinguish objects, a band of Indians charged our camp, and although fired upon by the sentinels, succeeded in getting off my whole stock of beef-cattle. Fortunately, the ground I had selected was favorable to us, and by mounting our animals without saddles or bridles, we recaptured them in less than half an hour. About 10 o'clock the same morning, the St. Louis family train came in, and knowing that they were fickle-minded, I ordered the women, children, and sick men to get into my wagons, with a sufficiency of bed clothing, and that the heads of families should make three teams out of the ten they brought in, and start with me at 1 P. M. All agreed to it, but the men quarrelled, and having the women and children with me, I did not care how the rest got along, well convinced they would not stay far in the rear of their families; and at 2 P. M. I started my trains, and made seven miles before night, when I encamped. The emigrant wagons all came in before ten o'clock, and at 12 o'clock at night, the Indian fires blazed up simultaneously from every elevated point. Believing that they intended to make a grand and last effort to drive off our stock and that of the emigrants, and seeing them plainly around the nearest fire to us, I sent out a party to attack and drive them off. The party I placed under the command of an Oregon man, named Young, with instructions to proceed to the rear of their camp and charge it. The instructions were carried out to the letter, and about one hour after this departure, the report of fire-arms at the enemies' camp convinced me that he had surprised those who were awaiting the setting of the moon to surprise us. Six were killed dead at the first fire of the rifles and carbines, and a considerable number wounded by the discharge of holster and revolving pistols. Those who escaped fled to the other fires with the news of their disaster, and soon all the hills were wrapt in a mantle of darkness. The result was that our camp and stock remained in uninterrupted quiet during the night, and when we left the next morning, the eye sought in vain for the forms of Indians, who had never failed before to show themselves to emigrants as they ascended out of Pitt river valley. On the 27th, I made a march of only 15 miles, disliking to leave even the men behind me, whilst there was a possibility of the Indians concentrating. The morning of the 29th, however, after urging the men to abandon their teams, without success, I told them that I should move on with the women and children, as fast as my mules could travel. A few took my advice, and two or three wagons were left behind, but a majority seemed determined to get in, with mining tools, cooking utensils, beds &c., or die with their wagons. On the 30th it clouded up and snowed, ahead, and in rear of us; that night it rained, and at 4, A. M., on the 31st, the wind shifted to the north, and suddenly back again to the south, which latter point it had no sooner regained, than the snow began to fall in heavy flakes. At daylight on the 31st, all the grass in the valley was covered with snow, and the animals being unable to feed, I had them all hitched up, and started as soon as possible. For the first time,



some of the inactive emigrants began to fear and to feel that there was danger, and the change in their conduct was palpable enough; two or three abandoned their teams, and others hitched up, with an alacrity unprecedented. During the day of the 31st, the snow continued to fall, and at times with such fury, as almost to blind us, and for fear of a heavy storm I kept the men and provisions in rear of the family wagons. The road getting heavy towards noon, I was forced to *stop earlier* than I contemplated when setting out, though fortunately in good grass. The snow continued to fall during the night, and on the morning of the first of November, it was impossible to see a spear of grass. I hurried off as quick as we could see to hitch the mules in, and on reaching the East Spring Feather River, the snow having melted somewhat, I unhitched and unpacked the mules, and drove them off to where I knew the grass was too high to be covered. It cleared up in the afternoon and I had hoped that the storm had passed over, but the next morning at 4 o'clock it was coming down heavier than ever.

So soon as we could see, we gathered up our animals and reached the wagons, where I found all the rear of the emigration with General Wilson, family, and escort up there. As soon as I could have the harness cleared of the snow, the mules were harnessed up, and the families started, the drivers having directions not to stop till they reached Feather river valley. After starting the wagons, I urged the emigrants to move on, and also Gen. Wilson. To the General I gave two mules to haul on his family carriage, and argued the propriety of his abandoning his wagons, and packing his mules lightly. He did not agree with me, and that night he lost all his mules in the storm, whilst mine were safely sheltered in the valley.

On the 3d I laid by in the valley to make arrangements to get away every body with me, and on the morning of the 4th, having dismounted all of my party, I had the mules hitched on to four wagons, and all the healthy women mounted on mules, and started. During that day, I made arrangements to take on three other families which I found at the crossing of the river, and thus left Feather river valley, with every woman, child, and sick man. There, unfortunately, our wagons were too heavily laden, and at noon, the snow having melted considerably, and the wagon wheels sinking deeply into the earth, the mules showed evident signs of weakness, and before night one team gave out, and with the utmost difficulty was driven into camp. At dark the wind shifted to the north, and had not a large fire been kindled around the animals, few would have survived the night. The snow fell during the whole night, and the next morning (25th) I was compelled to abandon a wagon, put more of the women on mules, and by increasing the other teams, moved off quite lively, though in crossing Deer Creek valley it became so boggy, that had not the men of our party worked with the mules in pushing and pulling the wagons, not one could have ascended the hills; as it was, we only got four miles this side of the valley where I encamped, determined that on to-morrow I would drive the wagons as near the settlements as possible; but when daylight came the next morning, I found that eight or ten of the best wagon mules were dead, and that others, as they were brought out from the centre of the herd, would occasionally drop down with numbness. Under the circumstances, I could not think of moving a wagon, so I ordered the men to put all the saddles in the

camp on the animals, and called on all who were able to ride, to mount and start for the settlements. I left all of my provisions at the camp with the sick, (and set men to attend on them,) with the exceptions of one beef, a sack of bread, and a few pounds of bacon. After making eight or ten miles towards the settlements, the storm increased, and the snow became so deep that I was convinced of the impossibility of the women and children standing the trip in; so, finding a few abandoned tents and empty wagons, I ordered a halt, deposited them and their bed-clothing, took off all the provisions from the mules, killed the last beef, built them large fires, and leaving one of the men to attend on them, bid them be of good cheer till I sent back from the settlements. We started then to get in as soon as possible; six young women accompanying us on mule-back, and in three hours we were out of all traces of snow, but as night set in, it was accompanied by a heavy rain storm, which rendered it impossible to keep our mules in the road, and we were forced to stop, without shelter for the females until daylight, when we again started, and continued our march until late at night, when we reached the settlements. Cold and worn out as the party was, I gave them no rest, but went to work at once to procure provisions and animals to send back.

In getting provisions and forage I was very fortunate, but not so with beef. Cattle with oxen and mules for the sleigh were so high, that the stock could not be driven from the range, and it was not until the evening of the 12th that I succeeded in getting any oxen, and then only by going after them myself. On the morning of the 13th I started Mr. Todd, with five men and a wagon-master to bring in those whom I had left in the snow. I gave him 14 head of oxen, 24 riding and pack mules, and what I thought enough provisions to last his party and the emigrants ten days. I accompanied the party over the most difficult part of the road, and deeming it impracticable for wagons, ordered him, when he had brought the families out of the region of snow, and within striking distance of the settlements, to kill his oxen for beef, leave it with the emigrants, and come in himself with the mules. I also addressed by him a circular to those emigrants on the valley slope of the mountains, who were out of all danger of snow, telling them that I had only sent back enough supplies to bring in those from the snow, and that if they were awaiting relief, they had better move in at once, as my construction of General Smith's instructions did not warrant me in assisting them.

From the 13th to the 18th, the time was spent in hunting up our mules on Deer Creek, and Sacramento. On the evening of the last-named day, I received further instructions from you by the hands of Mr. Chadwick. Their principal purport was to bring the people out of the region of snow. Notwithstanding I was satisfied that what I had sent out by Mr. Todd would accomplish the object, I immediately set to work, purchased a lot of flour, pork, and wheat, and a few head of gentle beef cattle, with a view of starting out on the 20th, but the streams were so swollen I could not cross them. On the morning of the 21st, having spent the greater part of the previous night in rafting the supplies over, I again left the settlements, with about 400 lbs of flour, 150 lbs of pork, 5000 lbs of beef on the hoof, 24 bushels of wheat, and a pack train of 17 mules and horses. The road was so boggy, that it took me until the

night of the 23d, to make the 18 miles camp. At that place, finding that I was within 5 or 6 miles of Todd's party, who had with them all the families, and sick men, I left the next morning all of my provisions at the camp, and with the mules loose, drove to the Steep Hollow, where I found the oxen already hitched up for a start. In a few moments we started, and before night reached the point where I left the provisions in the morning.

I was surprised to find what a beneficial effect the circular I had sent to the emigrants had upon them. There was scarce a tent or wagon to be found on the road, which ten days before was literally lined with them. The few persons in the hills had determined to stay until they could get their wagons in, as they were satisfied no shelter could be obtained at Lassen's. Game was abundant all around them, and they were probably better off there, until the roads dry up.

On the evening of the 25th, being within 7 miles of the valley with two wagons, and it being a matter of doubt whether they could be taken in the next day, a man from St. Louis, by the name of Mara, who had been on our hands with a large family for more than a month, desired me to leave him in the game region, and as he occupied a whole wagon, with his family and effects, I left him the wagon for shelter, and all the provisions on hand. The next day I got into Davis' Rancho, with the rest of the families, where I was agreeably disappointed in meeting you,—and from which time my report proper will close.

Such are the incidents I deemed necessary to furnish you, of the operations of my party from the 15th of September, to 27th November, but I must take occasion to remark that had the men of the rear emigration thought less of their property, and more of the lives of their families, I could have brought them all to the valley before the storm; even the "St. Louis train," the rear of all, could have been out of the region of snow, had not the disposition to hold on to everything taking such absolute possession of them. I am now well convinced that had there been no relief party, and some one out of their train to assume command of men, women, and children, that most of them would have perished in the snow.

On arriving with the first emigrants into the settlements, I purchased provisions, and subsisted those who were entirely destitute, until I brought the last ones in. Other destitute persons I also subsisted until your arrival.

In conclusion I cannot, in justice to the men of my party, omit to mention to you their good conduct, in our most trying scenes. They did everything that men could do to facilitate the progress of the family train; and although not one of the party had a dry blanket, or dry clothes for half a month, there was no complaint, but the harder the service, the greater the exertion. At every river or slough they stood ready to wade over, with the women and children in their arms; and even after reaching the settlements, many of them took the money out of their own purses, and gave to the destitute.

In an accompanying paper you will find a list of the provisions issued, and the persons who received them, and also a list of the animals loaned.

Respectfully,

JOHN H. PEOPLES.

Brevt. Major D. H. RUCKER,  
U. S. A.

*Camp at Daries, Nov. 20th.*

Major D. H. RUCKER,

SIR : I arrived at this place on the evening of the seventeenth. We were detained one day at Potter's by high water. The cattle you instructed me to purchase at Bute Creek had been sold. Neal had four yoke, but his price was so high, \$350, I thought we could not worst ourselves at Lawson's. As soon as I arrived, Mr. Peoples went to work to gather our animals, Davis and Lawson agreeing to furnish fat cattle; they have been very slow, but we have procured two yoke. Mr. Carter has just arrived expressly from Todd, who was, when Carter left him (this morning,) thirty-two miles from this place with the rear of the emigration, with the exception of one woman. Captain Todd sent one man with two mules to bring her in, and she is now, no doubt, with Todd. We start to-morrow morning to meet Todd with the cattle and some flour; the articles, Carter says, the people are in want of. We should have been off the eve after my arrival, could we have procured the cattle, but we shall be in ample time. Mr. Peoples thinks it best to send Mr. Rogers with three men, to the city. I will stay with Mr. Peoples until he has closed the whole business. We shall have about four hundred pounds of flour, that we shall divide among the destitute, of which there are many. I have advised Peoples to this course, of which I hope you will approve. I do not think that the whole expenditure will amount to more than five thousand dollars. Mr. Peoples had sent word to the emigration that they must try and work in, and it had a most excellent effect, as they have tried to help themselves, and will be in the valley in four days.

Truly yours,

E. C. M. CHADWICK.

Major D. H. RUCKER.

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*Steep Hollow.*

DEAR MAJOR : I have this morning come up to Mr. Chandler at this point; his pack train is 20 miles ahead, four packs of bread and barley, and none here to go on and catch the train again this evening. Three of the wagons, with all the supplies for the emigrants, except some six sacks of bread, were obliged to be abandoned about 12 miles this side of Johnston's. The other wagon is now on the hill near this place—provisions on this route are at this time in *abundance*, and there is a large train now ahead, where they offer flour for ten dollars the hundred. A man asked one of Mr. Chandler's men this morning, if he knew where he could sell six hundred pounds of bacon. A man of the emigration told Mr. Chandler this morning, that he had seen a man yesterday in Bear Valley, who had gone over the mountains on this route, to relieve some friends whom he found had taken the other route; that on learning this fact, he had offered his provisions, (flour, bacon, &c.,) at 20 and 25 cents per pound, and could not dispose of it, that the emigrants all said they had plenty, to whom he applied. The wants of the emigrants on this route seems to be principally, if not *entirely*, in transportation. Mr. Chandler and myself concur in opinion on this last and important fact. In case it be advisable, I think I can exchange the provisions in the wagons for provisions now ahead and cacheing, or using the same profit, both parties.

There is no grass on the road. If you think best, you of course can take up the three wagons, and if I do exchange them, I will make an arrangement to pay a reasonable market value for the provisions on ahead from Johnston's. I have only passed about 25 wagons, but there are, I believe, many near the road, but out of sight from it. Mr. Chandler requests me to say, that in leaving his wagons, he intended to return for the provisions, but finds his mules so weak that he is unable to do so, and have them worth anything on the return-route. Several mules of his party gave out yesterday;—both of my men had to stop yesterday, sick and unable to go on; I have procured two others in their place. I write under a broiling sun, and a stone for a table, so excuse, &c.

Very respectfully, &c.,

KILBURN.

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*Near Johnston's Rancho, Oct. 7th, 1849.*

E. C. MARCH, Esq.,

DEAR SIR: Kilburn and Chandler have forsaken the Truckee river route, and as I was ordered to co-operate with them, I have taken the responsibility of bringing the stock back to this point, and shall in one hour strike across for the Carson river route; by so doing, I save some 50 miles. I can meet Kilburn and Chandler who have gone on that route, but could never have come near them on the other, in fact I could never have got my stock over the mountains twice, had I attempted to follow them. The best information obtained by me from all quarters, and the fact that the parties in advance of me have gone to the Carson river route, has induced me to strike for that route, being satisfied that this road is nearly deserted, those who are upon it being as far as Bear Valley, and entirely out of danger.

Had there been any one to report to at the city, I should have returned and turned in the stock, or awaited further orders—as it is, knowing the stock was brought for the relief of the emigrants, I can, under the circumstances, do more service by pursuing the course above indicated, than in any other way.

Very respectfully, your obedient servant,

F. FOREMAN.

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*Four miles beyond Bear Valley, Sept. 28, 1849.*

DEAR MAJOR: Mr. Chandler's packs are just arriving in this camp. Mine are now ahead some twelve miles. Dr. White, who is the bearer of this, will convey to you all the remaining facts in regard to emigration on this route. On a consultation with him and Mr. Chandler, and knowing our utter uselessness on this route, I have determined to keep in this route until I pass the mountains, and then, turning to the right, strike the Carson river route, where all tell me our transportation and cattle are very much needed. Your instructions to me and Mr. Chandler require us to proceed on this route, to the rear of the emigrants on this route, and assisting them all that is possible, return back. As we can gain the Carson route, they tell me, in six days from this camp, and to reach this same point by returning via Johnston's would require about seventeen days, I am the more confirmed in my decision. The responsibility,



I am aware, is great; but as this matter was discussed before my departure from Sacramento, and you gave me partial authority to change, I hope the now intended destination of the trains will be approved by you. The rations in the wagons, mentioned in a former letter, are not needed on this route. I would endeavor still to get them, and carry them on, but the mules are unable to do so and be fit for use where wanted. There is but one train now ahead of us on this route, that I can hear of. Mr. Chandler is of the same opinion as myself as regards the change of our route. Many mules were abandoned by him this morning, as unable to go and return over the mountains.

Very respectfully, etc.,

C. L. KILBURN.

*Nyer Rancho, September 23d, 1849.*

DEAR MAJOR: I arrived here this morning. On arriving at Johnston's ranch yesterday, I found that this ranch was off the road fifteen miles, and that the cattle would have to return to the main road again from here. As this would be the case, I left a note for Mr. Chandler, saying that I would come over here and get the cattle, and bring them fifteen miles on the road beyond Johnston's, at which point I calculated we should meet, and he was to take them up after my arrival here. Your corporal came in, and said Mr. Chandler had passed Johnston's ranch this morning, and expected me to have the cattle brought to him at Steep Hollow, which is *four days' march from here*, and the contract was for their delivery two days ahead only, and Mr. Cooley, who is to fulfil the contract for Nye & Foster, says he can take them no farther than the two days. This being the case, it becomes impossible for me to take the cattle, (I would hire, but there is no one to hire, particularly with horses,) as I could not take them alone, besides I do not think it necessary, as there will, I think, be enough of provisions on *this route*, particularly with the sixty work cattle which you are *now sending*. The remainder of the cattle contracted for can and had better all go together on the other trail, as there are many more wagons on that route than on this (they say, some two thousand). Mr. Chandler sent me word that if I took men from him to drive the cattle, it would leave him short-handed, and desired me to hire if possible. Under all these circumstances, and the fact staring me in the face that I should probably lose them in the mountains when turned over to me at the end of two days, if I could not get a sufficiency of hands, I hope you will approve my course. I now will push on and overtake Mr. Chandler, and help him through the mountains.

Very respectfully, etc.,

C. L. KILBURN.

*Sacramento City, October 1st, 1849.*

MY DEAR SIR: Dr. Worthley, captain of one of the trains on Carson River route, arrived yesterday by express from the suffering emigrants there to beg relief from the citizens in this place, not having been apprized of the expedition in your charge.

He passed 140 wagons on Carson River, many of which had returned

from the Truckee route, and says that many will not be able to cross the mountains without assistance from this side.

He found many families on foot, the mules and oxen having failed, or been stolen and killed by the Indians.

Dr. W. brings his express, from Dr. B. B. Brown, a distinguished citizen of St. Louis, and probably not unknown to you. His family were with him on foot, having lost all his cattle. He says, that the emigrants are all abundantly supplied with provisions, and that they need nothing but transportation and forage, principally the latter, as the supply of grass has entirely given out.

Col. March considers it his duty to inform you of these circumstances by express, and says that if you concur with him in opinion, he will endeavor to co-operate with you to the extent of his ability in giving relief to the sufferers. He is satisfied that nothing but animals and forage is necessary to afford that relief, and in that view proposes to send out at once 50 pack mules, or less, accompanied by one or two wagons loaded with barley exclusively; and that if it meets with your approbation our Mr. Harris shall take charge of the train. Since your departure, good mules, suitable for this purpose, have become abundant, and Col. M. says he can buy, load and despatch the train for Carson river, inside of forty-eight hours.

The bearer of this, Dr. Henry D. Stratton, will inform you more fully in regard to the objects of this letter; he is a gentleman worthy of all confidence.

If you approve the views of Col. M., relative to the importance of extending another branch to your charitable mission, you can communicate with Col. March or us by the hands of Dr. S., who will return immediately, as the friends of Dr. Brown and others are awaiting your reply with anxiety, intending to appeal to the citizens for relief, in case they fail to obtain it from the government. An express has this moment come in from Capt. Kilburn, which Col. March took the liberty to open. Please find it herein.

We remain, very truly, your obedient servants,

SMITH, BENSLEY & CO.

Brvt. Major. D. H. RUCKER,

*In charge of Relief Party on the road.*

P. S. Dr. Brown estimates the whole number of wagons on the Carson river route at 300. The gentleman that comes from him passed us above 140.

S., B. & CO.

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*On Pitt River, Oct. 21st, A. M.*

MAJOR: At this point I met Todd's party and Mr. Hicks. I was surprised at the appearance of Todd, but he stated that he had given away all his provisions, and seen the last of the emigration over the mountains, and he thought he would be of no further service to them. He left the mountains on the evening of the 16th, and passed not more than 40 wagons on the road.

Fearing only that the rear will be annoyed much by Indians, and that the families may lose all their cattle, I thought it best to proceed up this

river two or three days, with the wagons and beef cattle, establish a camp in a secure place, and take five or six men, and go myself some distance up the road, to be assured that no one is left.

In taking back the party of Todd with me, I believe that they will be necessary, as the Indians are fast forming combinations on the river. It will, however, make but a day or two difference in their pay.

Respectfully,

JNO. H. PEOPLES.

By coming with Mr. Hicks, you will be able to obtain more information, as he has been longer with Todd. I will be off in half an hour.

J. H. P.

Mr. Lord came down with the men, and helped to stand guard, and furnished them more provisions.

As he was riding one of Todd's own horses, I told him to take it down to you at Feather river.

PEOPLES.

P. S. I think you can safely issue all your rations, and take your party in, for if there are not more than 40 or 50 wagons, I can have enough to do us in.

To packers and families, whom we have refused on the road, you could give them something out of your lot.

PEOPLES.

*Lawson's Rancho, September 22d, 1849.*

SIR: Up to this morning I was unable to obtain the services of a single Indian or Mexican Vacquers, and in consequence, have employed nine Americans to accompany me. One hour ago, (near 10 A. M.,) I sent off my cattle, and half an hour later the pack-mules.

Craig has been unwell, and I have not been able to find out anything about the provisions he spoke of, for there is no officer or soldier of the army here. Unable as I was then to obtain any rations for the men I employed, I was forced to purchase, and as the drafts I gave will testify the amount I paid for them is exceedingly high, although following in the wake of Warner's party, I have not paid more than \$150 per month for men, although the price for animals is high. The surveying party ahead of me have paid \$300 per month for men, and at a proportional rate for animals. Still, I have got along better than could have been expected. I have given drafts for about \$4500, and if I can get a few more horses, it will increase it several hundreds more, though I am fearful I cannot procure the animals.

Major, I have not time to write you a long letter, or in a humor to pen you a descriptive one, for I have been working for two hours at and with a wild mule, and all the skin is torn off my hands.

The gentlemen who will hand you this, will furnish you with information relative to the route, whom I have induced to proceed over and hand you this.

I am well satisfied that the number of families on this road far exceeds anything we thought of whilst below, and I am almost induced to

believe that the only suffering will be on this route, as it is 400 miles farther than the other roads. I think, then, from all I can learn, Major, that you had better send more supplies on this road.

I have, as I said, nine men engaged, but am in too much of a hurry to give you their names, Major, for I have been so bothered in this morning of starting.

I can only add, that I *will* go according to your directions, and to the farthest wagon on the road, and will do all that I can to carry out your orders.

Respectfully,

JNO. H. PEOPLES.

Mr. J. H. Saxton, the bearer of this, I have directed to give you all the information he possessed, and I have promised him twenty dollars for handing you this in three days, including to-day.

JNO. H. PEOPLES.

*Davis' Rancho, November 12th, 1849.*

DEAR SIR: Since I addressed you by Mr. Rogers, I have made every exertion to get in the fresh mules, but without success. I have sent out Indians, and my own men on foot and on horseback. Under the circumstances I thought it best to purchase a few work cattle and five or six pack mules, and send Captain Todd with them to the rear, where I left my wagons. I thought it best to remain here myself until I hear from you. If, on the receipt of a communication from you, I am not authorized to make further exertions, I will immediately mount, and start back to bring in Captain Todd myself. I think, major, seriously and privately, that to bring in all those who have stayed behind, will be out of the question with the means at your disposal. I think, that with the extra expenditures I have made for cattle and provisions, that I can bring those who are in distress near enough to the settlements, for the heads of families to come in and purchase what is necessary. That is probably as far, major, as you can go, for as I remarked before, to bring in all who have kept in the rear, will cost you more than your original amount. This will be handed you by Corporal Gessner, who will bring down the following men, whom you can discharge:—Isaac Johnson, Jas. Brown, Ignatius M'Callahan, S. Mendenhall, J. A. White, T. Mularkey, William Kaldoo. You have all their names, and will be able, by reference to the list I gave you on the evening before we separated, to distinguish the prices to be paid them. As they were all in need here, major, I allowed them to open an account with Mr. Davis, which I have drawn for, and which you will find on the account of each discharge presented you. All of those whom I engaged, I hired for one hundred and fifty dollars per month, and you must discriminate between them. I have sent back two of those whom I engaged at that price, whose wages I have taken the responsibility of raising, because I believed them to be of more value, than any three of those to whom you pay \$200 per month. Two I have also kept here with me, two of my old men whose wages I have raised to the amount of \$200 per month, rather than retain two of your men, as I wished them to hunt up animals, and they are well qualified for that purpose.

I have purchased, major, seven yoke of cattle, and about \$500 worth of provisions, which I have drawn on you for.

The whole amount will be less than three thousand dollars.

Respectfully,

JOHN H. PEOPLES.

P. S.—To Corporal Gessner and Mr. Todd I am deeply indebted, for they have rendered me infinite service, the whole of which I am willing to refer to Corporal Gessner.

I have bought seven yoke of cattle, at \$200 per yoke, and about six pack mules, at \$150 each, and about \$600 worth of provisions.

J. H. PEOPLES.

*October 22d, 2 P. M.*

MAJOR: Mr. Camp, the bearer of this, crossed the mountains on the 15th. He says that there were but four wagons beyond the summit on that day. On the 16th, Todd's party was to start back with the rear. He had killed all but one cow, and had exchanged some beef for flour, bacon, rice, &c., which he was issuing to the needy. For fear of accident he had sent a man ahead to look out for wagons. I will not, I think, go more than two days on Pitt river, but I will be assured where the rear is before returning.

Mr. Camp will give you all the information in his power.

Respectfully,

JOHN H. PEOPLES.

*October 24th, 5 P. M.*

MAJOR: I sent a party yesterday to the St. Louis train. It was within 25 miles of me last night, and will be in to-morrow, so that the day after I will start back. There is a man by the name of White, who refused to leave with them. He was picking up everything that was thrown away, and having with him two years' provisions, will probably stay at the foot of the mountains, and establish a ranch. Of course I shall pay no attention to him. There are with me now 10 family wagons, which with those that will come up to-morrow, will be able to make headway against all the combined Indians.

The government party from fort Leavenworth to Oregon were trying to get volunteers to help to recapture their lost animals; but the emigrants preferred moving down.

Make yourself easy, major, on our account, and act as though you had the last of the emigration with you.

Respectfully,

JOHN H. PEOPLES.

P. S.—I keep all the men on guard, day and night, and I think the red-skins will make nothing off of me.

P.



*Fourteen miles up Pitt River, Oct. 22d.*

MAJOR: As I expected, the Indians swept the cattle off the rear, and the emigrants are in a devil of a fix. On the night of the 19th, notwithstanding the repeated injunctions of Todd, the Indians came into a sleepy camp, and drove off all the cattle. I have a letter addressed to Gen. Smith from them, and signed by 29 persons, requesting aid in provisions and teams; I would send you the letter, but I deem it of much importance to you, and fear it may be lost. I am now satisfied of being near the rear, and will go, or send a party to-morrow morning, to bring them to my camp, where I am recruiting, which I think they will reach the next night.

There are, the letter says, 25 women and children. Those I have determined to put in the two wagons, pack the mules with provisions, and hurry in after, sending all their men-folks ahead on foot.

I still think what provisions I have will suffice to bring all into the valley, and would advise you to issue all you have in Feather River Valley.

Gentlemen who left the mountains on foot on the 20th, advise me of a party of U. S. soldiers, or hired men, who came in the valley this side the mountains on the 19th, who also lost most of their animals.

They were from Fort Leavenworth, bound for Oregon by this route. They stated that they met no emigrant wagons the other side of the Sierra Nevada.

The person who will hand you this can give you more particulars.

Respectfully,

JNO. H. PEOPLES.

Major D. H. RUCKER.

*Near Head of Feather River, Sep. 25th, 1849.*

Major RUCKER,

DEAR SIR: Thus far have I progressed, and with considerable difficulty. The road is rough in the extreme, leading for a considerable portion of the way over a ridge with two deep Cañon, one on either side. It would have been difficult to have driven beef cattle along in an ordinary time, but where one hundred wagons, with numerous loose cattle are, it is almost an impossibility; and the result, up to this time is, the complete knocking up of our best riding animals, and the loss of several cattle. Notwithstanding, I have kept the best and greater portion of the men with me to drive the cattle; seven or eight have been lost by breaking to the right and left when meeting trains, and the impossibility of getting them back to the road in consequence of three or four all breaking off in different directions. I run one myself for more than two miles before I could overtake it, in consequence of the roughness of the ground, and then was forced to shoot it, because I could not drive it back; such was the case with several others, but the beef was not lost to emigrants, though it was to us, as it was generally given to footmen and packers, from whom the amount taken was so small, that I did not deem a receipt from such necessary to you. Three or four other cows have given out from their being too fat, and their tallow melting by the road. These I had carefully dressed, and hung up for the emigrants,

telling all I met to cut off what would do them for a day or two. I have here, now, but thirteen head, and I started with thirty, having purchased four gentle oxen, and having a calf thrown in with the twenty-five head first purchased. If I continue to meet as many trains, and have as much difficulty to-morrow as I have had, I will stop, kill, and jerk every one of them, and pack them on the mules and riding horses. In that event I will leave the major part of those with me on the head of Pitt River, and pack the others to the rear of the emigration.

The stories are still so conflicting, that it is impossible for me to judge of the number of wagons on the road; some will say 4,000 wagons, and others 1,500; some say there will be much suffering, and others that there will be none. With the exception of a few footmen, I have met none in absolute want. Many have abandoned their wagons back, and are flocking in.

I left Craig sick at Lawson's, to follow me, but I do not think he will be able to come. He has a horse, and I requested him to get two others which stampeded, and went down to the Rancho from which I brought them. He will bring them down to you in a few days, I think, if he has not already arrived.

The bearer of this, Robert Martin, I hired on the 18th instant, but have too many men for the number of cattle now on hand; you can either retain him in your service, or pay him off up to the day of his arrival in Sacramento City. He is a good and willing boy, I think; his salary is \$150 per month.

I was so fatigued, worried and excited on the morning I wrote to you from Lawson's, that I do not know whether I wrote everything I should have done. I had been chasing cattle over the prairies, hunting up mules and horses, and otherwise perplexed so much that I fear an apology is necessary for the hurried and unconnected manner in which it was prepared; however, I think Craig will give you everything in detail.

Colonel Casey has no provisions he will spare until he hears from Captain Warner. At his (Casey's) camp, all the officers and soldiers are down with the fever.

Major—I will push on, and do all I can; and in conclusion, let me advise you to send no more live cattle on this route, should you decide that more provisions are necessary.

Respectfully,

JOHN H. PEOPLES.

☞ Martin has a mule he will turn over to you.  
I have to write on my knees.

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*Davis' Rancho, November 9th, 1849.*

SIR: On the 25th ult., I left Pitt River with all the families of the St. Louis train in my wagons, with an abundance of provisions, to bring them into the settlements in an ordinary time, and the bed-clothing of the families on all the extra mules which had no provisions on them. In this way, I succeeded in fairly driving the rear of the emigration to the valley of the Sunken river, (where we halted for a day in going up); at that place we encamped on the night of the 30th, which set in with a drizzling rain. Although I had all the families with me, and feeding

them from my supply of provisions, the heads of them persisted in driving along their broken down teams, the wagons loaded from the bed to the top of the bows ; no argument of mine could induce them to abandon a thing, and they would drive their poor oxen till 12 o'clock at night to catch up with my train. On the night of the 30th three or four failed to make camp, and on the morning of the 31st, the ground being covered with snow, I started off without regard to them. On that day the snow fell in heavy flakes, and the storm continued with such fury, that I was only enabled to make the first camp where I met you ; all night, too, the storm continued, and when morning broke forth every spire of grass was covered. I saw at once, that if my animals were not quickly hitched up they would freeze, and without waiting for breakfast, I started off the wagons, pack mules and beef cattle, and urged upon the owners of the ox teams to do the same, but some of them were foolish enough to remain there. At noon I reached the Lake or east branch of Feather river, and the snow having melted considerably, I unhitched the mules and had them driven at once to good grass, some distance left of the road. The next morning the storm was raging and the snow deeper on the ground than ever, I of course hurried the mules up to the wagons and had them started at once, telling the drivers not to stop till they got into Feather river valley. I found that all the wagons which had not been abandoned had come up, and also Gen. Wilson, the Indian agent, his family and an escort. The general had lost nearly all his mules in the valley of the Nevada, and those he had could hardly stand up ; I turned over to him two mules to haul the carriage containing his family, and urged him to leave his wagons and pack his mules so as to get them into the valley. At three P. M., my wagons reached the valley and remained the next day. On the morning of the 4th I started with all the women, children and helpless men in the valley, and intended to reach Deer Creek that night, but before getting into the first hill, my animals in the wagons began to fag, and before ascending the first raise, one team was completely knocked up, and I was forced to encamp a mile this side of Bute Creek for them to come up. Here it snowed all night, and the next day it was with the utmost difficulty we could get over Deer Creek valley. Every man was on foot, including myself, and have been since our departure from Feather river, and not only the animals in use, but every man pushing against the hinder parts of the wagons. In that way, a few hours before night set in on the 5th, we ascended the big hill this side of the valley. I had 30 bundles of hay given to the mules, and all tied close together and near the fire, but when I aroused the camp at four A. M., preparatory to a start at daylight, the guard told me that several of the mules were frozen, and when it was light enough to see, I found seven or eight of the best ones dead, and several others going fast. In this state of things, after a few moments reflection, I thought to attempt to move a single wagon was folly ; so I ordered every mule that could stand up to be saddled, and then called upon such women as could ride to mount and start ahead at once, thinking that by this means I might get half of the mules and half of the emigration into the valley by the next day. Several healthy ladies refused to go in consequence of the storm, and others because they had no side-saddles to ride on. To such I gave to understand that on my return I should pay little at-

tention to them. Eleven women and some half a dozen children started with me, but the storm became so furious, and the snow so deep "at the Springs in the road," that, finding some abandoned tents and wagons, I caused all but six young ladies to dismount, as I saw it was impossible that the young ones could stand the ride. I left with them every particle of provision I had brought from the other camp, and killed a large beef, so that they could remain comfortable for ten days. Eight or ten miles from that camp, the snow suddenly disappeared, and gave place to a violent rain, which came down so fast, with an east wind, that we could neither see the road, nor drive the mule, and we were forced to encamp in the rain, without food for ourselves or animals. As soon as it was light, we started on the living mules, now reduced to one-half, pushed them on till we got into the oaks. Over those hills the road was so terribly cut up, that we could proceed only at a snail's pace, and did not get into the valley until near daylight on the 8th. Major, you can form no conception of the road, for 20 miles back, wagons are buried in the mud, up to the bed, and cattle lying all around them. It is impossible to ride the strongest horse along it, and if they deviate one foot from the road, they are irretrievably lost. Before I left Feather River, I sent Mr. Rogers with three men to come to this point and gather up our mules, but on my arrival they had but six or eight, and they poorer than those I brought in. The weather has been so bad, that it is impossible almost to ride along the valley in search of animals. Under these circumstances I was sorely perplexed, but at last made up my mind to buy some fat and gentle oxen, and with them haul in the families to the oaks, and out of the region of snow. If I can get the cattle to the wagons, I can subsist them on oak leaves for a few days, or until I can haul the wagons some 25 miles. I shall be forced to buy some flour, (about 400 pounds,) and take out the two barrels of pork now here. I shall do nothing further until I hear from you.

I have, as I stated elsewhere, all the families this side of Deer Creek valley, and from that point they are encamped all along the road to this place.

A large camp has been established 30 miles from here, where a valley of grass has been recently found, and where an abundance of game abounds. The families there seem contented, and in no hurry to come in. I feel myself bound to do all I can to get in those I left, but can do nothing for those on this side of them. To get all into the valley would cost (in the present condition of the roads) more than the original amount you set out with, and whether your instructions would warrant you in attempting, is a matter which rests with you.

The calomel I took on Pitt river has settled in my legs, since I have been wading in snow and water, and I am hardly able to move, still I will not abandon the expedition; but I think it best that I start a trusty man with the cattle and pack-mules, and remain here until I can hear from you, in order that I may go out more amply prepared, if you decide on sending a more extended relief. If you do not advise me, I will start at once, and do all I can with the limited means I will send ahead. I have been enabled to get a quantity of wheat, and can subsist my mules for a short time in any weather. I left eight men, teamsters, with the families, with instructions to help them with fires, and anything they may need. I would have left more, but I did not wish them to consume the provisions.

Advise me of your intentions, Major, as quick as possible, in order that I may start back myself. The families can be brought out of the region of snow, and near enough to the settlements to procure provisions for about \$1,500 I think; but to bring all the sick and helpless into the valley, would swell that amount manifold.

I have written this in a great hurry, and it is disconnected. Mr. Rogers and Dr. Austin will state to you many particulars which I have not time to put down. I shall start down eight or nine men to be discharged to-morrow. Please to defer payment to any one who has not a certificate from me.

Respectfully,

JOHN H. PEOPLES.

P. S. There is some doubt about my getting cattle, but I will try hard. One man has just returned, who was unable to reach the range.

J. H. P.

*Benicia, Cal., December 23, 1849.*

SIR: Enclosed I have the honor to forward my report, journal, &c., of my operations for the relief of overland emigrants.

Circumstances compelled me in my expenditures to overrun the amount mentioned in my instructions, as available for that purpose.

But the proceeds of the sales of animals, &c., returned, more than covered the entire expenditure, and I had a small balance to turn over to Major Allen on the settlement of my accounts.

I sold these animals on my own responsibility, believing that it was for the interest of the government to do so. I found it impossible to keep them herded safely, and numbers were being lost every night; and to get grain and hay for them was impossible.

I hope Gen. Smith will approve of my course—if so, I will be thankful for a letter stating it, as it may be of assistance to me in the settlement of my accounts.

I have the honor to be, respectfully,

Your obedient servant,

D. H. RUCKER,

*Bvt. Maj., U. S. Army.*

Col. HOOKER,

*Asst. Adj. Gen., U. S. A.*

*Post near Benicia, Cal., Dec. 20th, 1849.*

SIR: I have the honor to report, that in obedience to instructions from head-quarters, Pacific Division, dated "Benicia, August 27th, 1849," and received by me at camp Stanislaus, on the evening of the 1st September. I left that place on the morning of the 2d and reached Benicia on the 4th, where I found detailed instructions in relation to the duty on which I was ordered—that of organizing parties, and proceeding with animals and provisions to the relief of emigrants, *en route*, by land to California.

On the 9th September, having made the necessary arrangements at this post, and placed 13,000 rations on board the transport schooner



"Invincible," I left on that vessel for "Sacramento City," which place I reached on the morning of the 11th. On landing I found that but few mules had been purchased for the expedition by the agents authorized so to do by Major Allen; as those in the neighborhood that were suitable for the purpose were scarce and very dear. Accordingly I dispatched a number of persons to the ranchos in the vicinity and to the mines, to purchase the necessary number, while I was engaged in hiring a few men and establishing a camp below the town. The next day, 13th, was mostly occupied in the endeavor to find out on which route the major part of the emigrants were coming. This was a difficult matter; but the generally received opinion was, that the greatest number were on the Truckio or Bear river route, and that there the most assistance would be necessary. That there was no scarcity of provisions on either route was concluded by all; but the lack of animals to transport them, would force many to abandon all they had. I therefore determined to start a pack mule train at once, and to send my first and largest party on the Truckio route. A short time after I had come to this determination, Captain Craig, an emigrant, called on me and stated that he had just arrived by the northern or Tassow route, and that he was of opinion that a large number of emigrants had taken that route, expecting to find it better and grass more abundant. He expected much suffering among them, from the fact, that the route was reported much shorter than it really was, and that already the emigrants had thrown away provisions to lighten their loads, retaining only a sufficient quantity to bring them to the valley of the Sacramento, a distance he had found much greater than was reported at the fork of the roads, and thence the danger of suffering for food. Upon further enquiry I found Captain Craig's statement to be substantially correct, and at once determined to send a party the next day with beef, cattle and mules. Accordingly, on the 14th I dispatched Mr. Peoples to "Tassen's Rancho," 110 miles north of Sacramento City, and where this road first strikes the valley of the Sacramento, with instructions to buy 25 head of beef cattle and a few pack mules, to proceed to the rear of the emigration on that route, and to inform me by express of the extent of their wants and miseries. During that day I heard various accounts of the wants and whereabouts of the emigrants, but they were contradictory, and it was impossible to decide on which route the most of them were coming, for each informant asserted to be the route he had just travelled. Even at the ranchos and at the mines it was impossible to obtain serviceable mules, although numbers of poor ones were offered, and consequently it was not until the 17th that I could dispatch a party on the Truckey route, which I then did under the command of Mr. Chaudler, who was preceded the day before by Captain Kilbourne, whom I have employed to take the general superintendence of all parties in that direction, and to have the cattle I had purchased gotten up and ready for the party of Mr. Chandler as it came along. I also gave him verbal instructions, that if the whole of his supplies were not needed on the Truckio route, to take or send them over to the Carson route, if he heard that they were needed in that direction. This party started out in the afternoon, with a view of crossing the American river that night; but the men, notwithstanding they assured me that they were good packers when I hired them, knew nothing of the business. This I feared, but it was impos-

sible to obtain the services of a sufficient number of Mexicans, while those I did employ mostly deserted, (in some instances taking a horse or a mule with them,) and the result was, the turning of packs, and the running away of mules prevented their progress. The next day, however, they again started, but made so little progress that I determined to send a few wagons for the heavier freight, to be taken so far as the roads would permit. With their aid the party again started on.

Having received a letter from Mr. McGee on the 19th, relative to the emigrants on the northern and Tassen routes, I determined to go in that direction myself with a party, and as my inquiries satisfied me that the road from Tassen's to the mountains was feasible for wagons, I determined to use them to transport my provisions. From the 20th to the 26th, I was occupied in buying mules, oxen and wagons, and in hiring men. The latter service was very difficult, notwithstanding I was forced to raise the pay to \$200 per month. In the meantime, I had received some government mules from Monterey, but many of them were too poor for service, and feeling confident that if I left them behind they would be nearly all lost; after a board of survey was held; I determined to sell them. Good mules and oxen continued to raise in price: the former could not be bought for less than \$180 to \$190, and the latter readily commanded from \$175 to \$200 a pair. Having thirty odd yoke of oxen on the 26th, fat enough for beef, I despatched them to Mr. Chandler, with twenty pack mules, by Colonel Foreman, having previously advised Mr. C. by letter that they would be sent, and subject to his order, and that he might give an order to any emigrants in need for them. By the same person I also sent two wagon loads of barley to subsist my mules and oxen and those of the emigrants. Everything being in readiness for the departure of my own party on the northern route, I started Mr. Rogers, on the morning of the 27th, for Tassen's rancho, with seven wagons loaded with provisions, with orders to await my arrival at that point. After his departure, I closed my business to a certain extent, appointed Messrs. Smith, Bensley & Co. my agents to receive and take charge of such animals as might be brought in during my absence, and also to pay off and discharge any of the parties that might return before me. This being accomplished, I left Sacramento city the next morning with a wagon load of provisions and about fifty mules, and on the 1st of October reached Tassen's rancho on Deer Creek. I was there told that I could not take my wagons over the mountains, although assured to the contrary before I left Sacramento city. Failing to obtain pack saddles for the mules, and not wishing to delay, I determined to start with four of the lightest wagons, after putting the provisions up in bags, which considerably lightened the load. Accordingly, on the 4th, having, the day previous, sent off forty-four head of beef-cattle under charge of Captain Gessner, 1st dragoons, and five men with orders to await me at Deer Creek valley, I started the four wagons and a few mules packed, and was about to start myself, when I received an express from my agents in Sacramento city, stating that an express had arrived from some families on the Carson river route, and asking aid from the citizens of that place. They had provisions enough, but had lost their cattle by death and otherwise, and were unable to get in. I wrote to Messrs. Smith, Bensley & Co., directing them to forward without delay forty mules and ten pair of oxen to assist them in.

As soon as I had despatched a return express, I started and soon overtook the wagons, the rocky road very much impeding their progress. On the 6th, we reached the Big Hill, the supposed barrier to wagons going east, but after unloading them and packing the provisions over on mules by doubling teams, and with the assistance of the men with ropes, I succeeded in getting them over. With the exception of the broken and rocky country over which the road passed, and the meeting of many wagons and many destitute persons, to whom I issued provisions, nothing worthy of notice occurred. On the 8th, I reached Deer Creek valley, where I found my beef-cattle and the party mentioned awaiting my arrival with the wagons. At this point I found the first grass since my leaving the Sacramento valley, which seemed to refresh my half-famished animals. Here I had determined to remain a day, but on my arrival, hearing that the grass was better at Feather river valley, I started for that place on the morning of the 9th, and arrived on the afternoon of the next day, where I remained until the morning of the 12th. Before leaving the valley, I established there a small depot of provisions, leaving a few of the poorest animals, all in charge of Mr. Rogers and a few men. Early on the morning of the 13th, I sent Mr. Hicks forward well mounted to proceed to the rear of the emigration, and to return to me with the utmost despatch, with a true statement of their number and probable wants. By him I also sent a circular to the emigrants, admonishing them of the lateness of the season and of the necessity of their hurrying on, urging them who had weak teams to throw away all heavy articles, and in fact everything that would be useless on the road.

The next day I was so violently attacked with the mountain fever, that I could not sit on my horse, and was forced to be hauled in a wagon. On the 16th I was too unwell to move, and remained encamped during the day, but the next day I started and continued my marches until the 19th, when being perfectly satisfied of the number and whereabouts of the rear of the emigrants, I deemed it advisable to return to Feather river valley, with a small portion of the provisions and cattle, believing that I had besides a sufficiency for those ahead, and enough to spare to those whom I was forced to issue on the road, until I could be well advised of the wants of those ahead. Accordingly on the morning of the 20th, I instructed Mr. Peoples, (who had been stricken down with the fever, but who had somewhat recovered, and had again reported for duty,) to take charge of the party and advance to the rear of the emigration; and, uniting with his original party, facilitate the progress of the emigration as much as possible. I turned over to him everything but one wagon, a little bread, eleven head of cattle, and a few of the poorest mules, with which I returned to Feather river valley, and at which place I arrived on the 24th.

From the moment of my arrival at Lasson's, on my way out, the applications began to pour in for relief, and although my instructions did not warrant me in relieving those who had reached the settlement, I could not refuse a biscuit and a slice of pork to those whom I thought were hungry, and stated that they had not the means of procuring food. From that point to where I turned back to Feather river valley, the applications for food were hourly. And in the sixteen days travel not less than one hundred and fifty families, and double that number of

footmen, were relieved by me. In the meantime, I had also loaned to several helpless men, and to men to transport such women, several mules.

I remained in Feather river valley on the 25th and 26th, and finding a number of families there destitute of teams, I loaned them mules enough to haul their wagons in. On the afternoon of the 26th, I received a letter from Mr. Peoples, informing me that the Indians had stolen most of the animals belonging to the rear teams of the emigrants, and that he was near them with his party. Also advising me that he had animals enough to bring in the women, children, and sick men of that train, and a sufficiency of provisions to subsist them to the settlements. I determined, therefore, to start the next day for Sacramento city, as I was anxious to hear from the parties on the other routes, and accordingly left for Tasson's rancho, on the 27th, leaving behind me Mr. Rogers with five men, a few animals, and some provisions to await, assist, and come in with Mr. Peoples. I also instructed Mr. Rogers, before leaving, to cut and dry hay for the party of Mr. Peoples, by the time he came up.

When I left Feather river, I contemplated reaching Tasson's in two days, but a few hours' ride convinced me that my illness incapacitated me for the task, and consequently, I did not get in until the afternoon of the 29th. Before starting to Sacramento city, which I did the next day, I dispatched an express to Mr. Peoples, urging him to hasten in with the emigrants, and informing him that all of the old settlers here predicted an early winter, and consequently, there was great danger of his being caught in a snow storm.

On the 2d November I reached Sacramento city, and found that Capt. Kilbourn and the parties of Mr. Chandler and of Col. Foreman had been in for some days. The former person having left one or two of his wagons at the base of the mountain. I dispatched him immediately to bring them in. On examination the next day, I ascertained that a considerable amount of the property brought in by the parties had been lost, many of the mules had strayed, and some had been drowned in the endeavor to get them to an island for security and for grass. Finding that those which remained were much reduced in flesh, and were unfit for service, I determined to sell them at auction; believing that it would be greatly to the interest of the government to do so, inasmuch as they could not be pastured with security in the high stage of the waters, and the high price and scarcity of hay and grain rendered the foraging of them difficult, if not impossible. Another reason for disposing of them was, uncertain how far the amount appropriated for the expedition would go in settling up its liabilities, and that the proceeds of these sales might save me from embarrassment on that head. Accordingly, on the 7th, having previously given public notice to that effect, I had sold at public auction a number of the animals, which, considering their condition, brought good prices. Mr. Hunt's party, the last of those who were absent on my return, who went out with relief on the Carson river and the Truckio, now having returned, was paid off and discharged. Having reported to me the operations of his command, I was pleased to find that all emigrants on these routes had reached the valley in safety, and that the supplies with the several parties had prevented very great suffering and loss of property among them. The reports of the chiefs

of the several parties on these routes accompanying this, furnish a detailed account of the necessities of the emigrants, and the relief offered them. On the 13th, the storm still continuing in the valley, I determined to send an express to Mr. Peoples, as for several days I had felt a good deal of anxiety concerning his party and the emigrants with him, as an express which I had directed him to send me from Feather river, and which should have been in several days before, had not arrived. I began to entertain serious fears that the train had been detained by the snows. Just as the express man was about to mount, Mr. Rodgers arrived with a letter from Mr. Peoples, stating that he had, after working through a snow-storm for six days and nights, got within forty miles of the settlements, with the rear of the emigrants on that route; that his wagons were crowded with women, children, and sick men; and that on the 5th November, most of his best mules had been killed by the storm, rendering it impossible to move a wagon the next morning. He accordingly saddled up the remaining mules, and placing as many women as would bear the brunt of the storm, on their backs, started for the valley, having left provisions and men to take care of the others until he could return with fresh animals. He also stated to me that he had purchased animals and provisions to the amount of \$3,000, and sent them out by a portion of his party under Mr. Todd, which he thought sufficient to bring them out of the snow, and that he waited a return express for further instructions.

Fearing that he had not sent enough for effectual succor, I dispatched Mr. Chadwick on the 14th to take him funds, and authority to draw for more on Messrs. Smith, Bensley & Co., and with instructions to purchase more oxen and mules for the further assistance of the emigrants in the hills, and to bring them out of the snow region. I also authorized him, after the object of the expedition had been carried out, to sell his mules and other public property at auction, if the roads continued in their bad state, as I believed it impossible to get them down with safety.

On the 20th, my health being considerably improved, and having heard in the streets some dreadful reports of the sufferings of Mr. Peoples and his party in the snows, I determined again to proceed to Tas-sen's, to satisfy myself. Accordingly, I procured a strong horse, and started on the 24th. After passing over a road which bogged my horse many times, I reached that place. Many of the rear emigrants had got in, and Mr. Peoples was again in the hills for the others. I found at his camp at Deer Creek, many destitute women and children whom he had brought in, and with whom he had left supplies, they not having the means to procure them.

On the afternoon of the 26th, Mr. Peoples came in, bringing the last of those whom he had left in the snow, where his mules died, and who were the last of the emigration. A more pitiable sight I had never before beheld. There were cripples from scurvy, and other diseases; women, prostrated by weakness, and children, who could not move a limb. In advance of the wagons were men mounted on mules, who had to be lifted on or off their animals, so entirely disabled had they become from the effect of scurvy.

No one could view this scene of helplessness without commending the foresight which dictated that relief, without which, some of the recipients would inevitably have perished in the snows. It would have



been difficult to the most healthy to have worked their way in through the storm without assistance, much less those who had been deprived of their limbs.

Mr. Peoples having satisfied me that all were in the valley, save a few who preferred remaining in the game region, hard by. I at once commenced selling the property by auction, which being done, and all business settled in that quarter, I started for Sacramento City on the 28th, and arrived there on the 1st December. On the 3d of that month the remaining animals were sold at auction, the last of the men paid off and discharged, and the business of the expedition concluded.

In your instructions to me you directed that receipts should be taken from the heads of families for provisions and animals furnished them. This was attempted in the outset, but was necessarily abandoned by myself and agents, as the issues to those whom we first met were so numerous and in such small quantities, that it was impossible to do so, and make the necessary progress.

A number of animals were unavoidably lost and for several causes. Some were killed by the snow-storm on the northern route, others gave out and were left by the roadside in the mountains, and not a few were loaned to emigrants to assist them in, and not afterwards accounted for, though it is believed that most of them were lost by death or otherwise.

The number of emigrants who came by the northern route, is estimated by the party on that route to be between seven and nine thousand, and the wagons from one thousand to twelve hundred. These people were induced to turn off at about the sink of Mary's River, from whence the road runs off north to the post near the head of Pitt River; thence nearly south again for upwards of 250 miles, before reaching the Sacramento valley. Although the distance is much greater than by the old routes, and some of the emigrants were much longer in getting in, I cannot but think it a fortunate circumstance they did so, for the loss of property would have been greater on the old trail, as the grass would all have been eaten off long before they could have arrived.

I cannot, with justice, conclude without alluding in commending terms to the conduct of the party that brought in the rear on the northern route.

To Mr. Peoples, who had command of that party, too much praise cannot be awarded, for the perseverance and energy he displayed in bringing in the rear emigrants under such trying circumstances, and for the faithful manner in which he performed all duties devolving upon him.

I am, General, very respectfully,

Your obedient servant,

D. H. RUCKER,  
*Brev. Major U. S. A.*

Maj. Gen. P. F. SMITH,  
*Commanding Pacific Division,  
U. S. Army.*

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September 2d. Left Camp, Stanislaus, this morning at 8 o'clock, for Benicia in obedience to orders from head-quarters. Pacific division dated Benicia, August 27th, 1849, which reached me last evening.

September 4th. Arrived at Benicia, where I found detailed instructions in relation to the duty on which I was ordered.

September 9th. Left Benicia in the Transport schooner *Invincible*, for Sacramento city with 13,000 rations of pork and hard bread, some rice and flour, for the relief of emigrants on their way to California.

September 11th. Arrived at Sacramento city this morning at 10 o'clock, and found that but very few mules had been purchased for the expedition by Messrs. Smith, Bensley & Co., who had been authorized by Major Allen to furnish them. Those that were at all suitable to my purposes, were very scarce and dear. Nearly all that were in the neighborhood, were so poor as to be useless to carry out my designs.

September 12th. Sent several persons to-day to the ranchos in the vicinity, and to the mines for mules. Employed a few men to take care of those already purchased. Established a camp about two miles below town, and built a carral to put the animals in at night.

September 13th. Endeavored this morning to find out on which route the most of the emigrants were coming. It was very difficult to get any information on the subject. The general impression seemed to be, however, that the greatest number were on the Truckey or Bear river route, and that there the most assistance would be required. All agreed that there was no scarcity of provisions either on it or the Carson route, but that many of the emigrants had lost almost all their animals by death, in consequence of the scarcity of grass, and that they would require fresh ones to enable them to haul, or pack their provisions and other necessities. Employed Mr. Harris to fit up a train of pack mules, and sent him to my camp for that purpose. Found it difficult to get men accustomed to packing. Determined to send my first and largest party on the Truckey route.

Captain Craig came to see me this afternoon, and stated that he had just reached this place, that he was an emigrant, and had come in by the Oregon or Lassen route. And that he was of opinion that a large number of the emigrants had taken that route, expecting to find it better and the grass more abundant, and that he was certain that many would suffer from the fact that when they took the road, they believed the distance to the settlement much less than the old one. He said a notice had been put up at the forks of the road, stating this, and that, in order to lighten their teams, they had thrown away all their provisions, except what they thought to be sufficient to last them to the valley of the Sacramento. Captain Craig also stated, that he found the distance much greater than had been represented, and consequently, that there would be a want of provisions among the emigrants. I made some inquiry on the subject, and found Captain Cregg's statement to be substantially correct. Determined to send Mr. Peoples at once with some beef cattle and mules.

September 14th. Sent Mr. Peoples to day to Lassen's with instructions to buy twenty-five head of cattle and a few mules, and to go to the rear of the migration and to inform me by express, of the extent of their wants and necessities. Heard various accounts of the wants of the emigrants and their whereabouts, and found it impossible to learn on which route the greater number were coming. Each one told a different tale, and every one thought that the greater part were on the road they had travelled.

September 15th. Found it very difficult to get good mules, none were to be had at the neighboring Ranchos or at the mines, that would answer, plenty were offered but they were too poor in flesh. Employed a number of men to-day, and am in hopes I will get one party off to-morrow.

September 16th. Employed Captain Kilburn to-day, with a view of sending him ahead of the parties on the Truckey route, to learn the extent and necessities of the people, and to take the general superintendence of all the parties, I might send in that direction, was disappointed in getting my party off to-day.

September 17th. Captain Kilburn left this morning with instructions to keep a day or so in advance of the supplies, and on the way out notify Messrs. Nye and Foster, to have forty head of cattle, I purchased of them, in readiness for Mr. Chandler's party, which would follow him. I also gave him verbal instructions that if the whole of the supplies should not be required on the Truckey route, to take or send them over to the Carson route, if he heard that they would be wanted in that direction. Mr. Chandler started his party this afternoon with the intention of encamping on the north side of American river, but he did not get over two miles, when he was obliged to encamp from the want of knowledge of the men employed in packing. The packs were continually turning, and the mules getting away and could be seen running in every direction over the plains. All these men assured me that they understood packing, said they had packed over the plains to this country and were quite accustomed to it. I was fearful of this in the first instance, and made every exertion to get Mexicans, but could not procure enough, and most of those I did employ ran away the second or third day, generally stealing a horse or mule to get off with.

September 18th. Mr. Chandler made another start this morning, and succeeded in reaching his camp on the north side of the American fork, about dark, having travelled about three miles, and at that distance loaded his mules some two or three times. The whole party made such bad work packing, that I determined to send some wagons with them to carry, as far as they could go, the heaviest portions of the freight.

September 19th. Mr. Chandler made another start this morning, having had added to his party four wagons and teams, which carried the greater portion of his heaviest freight, and in consequence enabled him to get off in pretty good style. Received a letter from Mr. M'Gee last evening, relative to the amount of emigration on the Oregon or Lassen route. Determined to go on that route with a party myself.

September 20th. Enquired about the road and country from Lassen east, and was told that it was a good road for wagons. Determined accordingly to transport all the provisions in that way. Wrote to Mr. Chandler that I would start in a day or two a lot of work cattle on the Truckey route, and that they would be subject to his order, and that he might give orders for them to any emigrants who might need them, and that they could get them when they came up, and that I would instruct the person in charge of them accordingly.

September 21st. Purchased some oxen, mules and wagons, and also hired some men; was compelled to pay \$200 per month, and found some difficulty in getting enough men even at that price. Heard account of the state of the emigration, some said they would all get through without suf-

fering, others thought that many would perish if assistance was not sent to them.

September 22d. Employed Col. Foreman to take charge of the oxen and continued to prepare the wagon train for the northern road. Found great difficulty in getting good mules and oxen, those for sale were getting too thin. Had a board of survey on some mules that were sent to me from Monterey, which were too thin for immediate service. Determined to sell them, feeling certain that if I left them to recruit, that many, if not all, would be lost or stolen.

September 23d. Rode out to-day to endeavor to buy suitable oxen and mules for the service. Found a few only that would answer, and was compelled to pay high for them; for oxen was paid \$175 and \$200 a pair; mules that would suit me could not be bought for less than \$180 and \$190 each.

September 24th. Continued to purchase oxen and mules, and to prepare my wagons.

September 25th. Completed to-day the purchase of oxen, having bought 30 odd yoke all very fat and fit for beef.

September 26th. Col. Foreman left this morning with 30 1-2 pair of oxen, 20 odd pack mules, and two wagon loads of barley to subsist his oxen and the emigrant animals. Sold the mules that had been condemned, they brought a fair price, considering their low condition.

September 27th. Started Mr. Rogers to-day with seven wagons loaded with provisions for Lassen's, to await my arrival at that point. Closed up my business to a certain extent, making Messrs. Smith, Bensley & Co. my agents to receive and take charge of such animals as might be brought in in my absence, also to discharge and pay off any of the parties that might return before me.

September 28th. Left Sacramento city this morning with one wagon load of provisions and about 50 mules and horses, and marched to Nichol's the same day—distance, 27 miles.

September 29th. Left Nichol's and marched to Nye's Rancho on the Yuba river—distance, 18 miles.

September 30th. Left Nye's, and marched to Bute Creek—distance thirty-five miles.

October 1st. Left Bute Creek, and marched to Lassen's and Deer Creek—distance twenty-eight miles. Here learned that I could not be able to take my wagons over the mountains, although I had been assured to the contrary before I left Sacramento city. Tried then to obtain enough pack-saddles to take my provisions, but could not succeed.

October 2d. Determined to start with my four lightest wagons, eight mules in each, and with ten packs. Put up all the provisions in bags, throwing away the barrels, and this lessened my loads by nearly one-half. Loaned Mr. John Scroggins a mule to bring his wife to Lassen's. He said that she was sick, and nearly out of provisions, that his teams were broken down, and that he had come ahead to get assistance. I issued to him some coffee, hard bread, rice, etc.

October 3d. Started forty-four head of beef-cattle early this morning with Corporal Cassenger, 1st dragoons, and five men, with order to cross the mountains to Deer Creek valley, and there to await my arrival. Completed my arrangements for packing and changing my provisions, issued a small quantity of pork and bread, at different times, to men

who came in on foot, and said that they had had nothing to eat for upwards of a day, and were without money.

October 4th. Left with Mr. Davis a few mules that were poor, and which I thought would not be able to travel or to be of service. Left also a sick horse, also four wagons and harness, and four barrels of pork, etc. Sent off my four wagons about nine o'clock in the morning, with my pack mules. I was about to start myself, when I received an express from Messrs. Smith, Bensley & Co., stating that an express had arrived from some families and other emigrants on the Carson route, and asking for aid from the citizens of Sacramento city; that they had plenty of provisions, but that their teams were broken down, and many had lost them entirely by death or otherwise, and were unable to get in. Wrote a letter to Smith, Bensley & Co., directing them to forward forty mules and about ten pair of fat oxen to assist the families, etc., and requesting them to start their party without delay. Also received a letter from Captain Kilburn, stating the bad success of his and Mr. Chandler's party. Overtook my wagons in a few miles, met two families, Mr. A. N. Morgan and Mr. John A. Hennings. These men told me that they were entirely destitute of provisions and money. I issued them for their families some pork and bread, passed about twenty wagons, and met several footmen on the road who were entirely destitute, and issued to them small quantities of provisions (pork and bread). Arrived at the foot of the mountains about three o'clock, P. M. Road very rocky and country barren. Distance, eight miles.

October 5th. Started at sunrise and travelled over a very hilly and rough country, met a great number of emigrants on foot, who said they had lost their animals, also some thirty wagons, many containing families, some few of whom were entirely destitute of provisions; issued pork and bread to Mr. Stephen Pirne and George R. Bell for their families, also to Mr. William Shamg with a family of nine children; had a great many applications for provisions from footmen but refused them, believing they could reach the settlements with what they had.

Encamped on the top of a high ridge a mile from water, and difficult to reach. The country I passed over was entirely destitute of grass or food of any kind for animals—distance twelve miles.

October 6th. Started this morning at daylight, and in about six miles reached a high hill which was thought impassable for wagons going east; but after unloading, and packing the loads to the top of the mountains on the mules, and doubling the teams, with the assistance of the men with ropes, succeeded in getting them over. About eight miles further on came to a small spring, on the north side of the road, and encamped in a beautiful pine forest. The spring did not furnish us with a sufficiency of water for all the animals. Passed about thirty emigrant wagons, some with families and a great many footmen, packing their clothes on their backs; a great many of them were destitute of provisions, and were quite sick, generally with diarrhœa, and some with scurvy. I issued a sufficiency of pork and bread to take them to the settlement. These men said their animals had given out, and that they had been obliged to abandon them between one and two hundred miles back; that they had started on foot, expecting to be able to pack enough provisions, but had found the distance much greater than they had been told it was; consequently, they were now destitute. I met them in par-



ties from two to six. All the emigrants I met seemed greatly pleased that they had been thought of by the Commanding General, and assistance sent them. The country through which I travelled was very hilly and rocky, and entirely destitute of grass of any kind; and, in consequence, a large number of dead oxen were seen on the roadside. Distance 14 miles.

October 7th. Started at daylight, and travelled eleven miles to water the mules, being much exhausted from scarcity of grass and water, and from being worked so hard in ascending the steep hills during the last two or three days' march. Remained at the water two hours; then came three miles to a small creek running across the road, and encamped for the night; passed seventy wagons, a few with families, and all very unwell; left a number of footmen and pack mules, some of the men sick with the scurvy, and some of them destitute of provisions, to the latter end of whom I issued a little pork and bread; all the wagons I have yet passed are travelling separately, the organized trains and companies that started from home having split up and divided for some time. The country I passed over to-day was very hilly and rocky, and covered with a magnificent growth of spruce and pitch pine, many of the trees eight and ten feet in diameter. Distance 14 miles.

October 8th. Started at daylight and travelled to Deer Creek valley, over a hilly and rocky road. Found Colonel Casey, 2d Infantry, encamped here with three officers and a few men, all sick, who started to-day to return to the settlements; met 27 wagons on the road and found 200 encamped in the valley, with a great many families; a great many of the emigrants were sick with the scurvy and diarrhœa. Found here Corporal Gessenger with my beef-cattle, which he had brought safely over the mountains without loss; also found the man to whom I loaned the mule, and gave provisions a few days back to bring his family in, he had his wife who was sick with the scurvy riding the mule, with a child in his arms, and leading the animal by the bridle, with a little boy by his side; they seemed in a fair way to reach the settlement. I had innumerable applications for provisions, from persons who said they were destitute, issued rice to some sick persons, also some hard bread and beef. I had intended to remain here a few days to recruit the mules, but subsequently determined to move on to Feather River, where there is better grass, and there rest a day. The country we passed to-day was covered with pine like that of the two preceding days. Distance nine miles.

October 9. Had a great many applications for provisions from emigrants, who were travelling on foot, and who said they were entirely destitute. Killed a small beef and issued a portion to the emigrants with a little bread; discharged four of my men and sent them back with two of the poorest mules to pack their provisions; did this because they were a little sick and of not much use, and left less mouths to feed. Left Deer Creek Valley at 11 o'clock, A. M., and encamped at 4 P. M., at a spring at the head of Bute Creek. The mules appeared so weak, that I did not like to drive them farther to-day; passed about 20 emigrant wagons with three or four families; heard that Captain Warner had been killed, and some of his party wounded by the Indians, who had attacked him while in the mountains. Distance eight miles.

October 16. Left camp this morning, at nine o'clock; before leaving

called on a sick man by the name of Avery, gave him a horse and provisions enough to take him to the settlement, for which he seemed very thankful. On the road met Lieutenant R. S. Williamson and party, who confirmed the report of Captain Warner's death; also learned that the Indians were very troublesome ahead, committing nightly depredations on the emigrants' cattle. I consequently determined to arm the whole of my party, and bought rifles, ammunition, &c., for that purpose; passed one hundred and six wagons, many with families, and a Boston pack company, numbering 70 men and 125 pack mules, and a few beef cattle; also met 75 footmen, some destitute of provisions; issued bread and beef to a few. Almost all the wagons I met to-day were getting on well, having supplied themselves with a sufficiency of hay, to subsist their cattle over the mountain desert, as they term it, and will probably reach the valley without much difficulty; had a good deal of rain last night, which ended in a snow-storm, and all the hills were white this morning, and considerable snow in the valleys. The country over which we passed to-day, was hilly and covered with pine: found plenty of grass all about the Feather River valley. Distance eight miles.

October 11th. Remained in camp all day to allow the animals to feed on the good grass; received 12 poor mules from Lieutenant Williamson: had a great many applications from emigrants for provisions; and issued hard bread and beef to seven families, viz.: Mr. S. Jesse, C. E. Rand, S. H. Roundtone, John Heatch, Mr. Lathloup, Mr. Philips and James Candill, also to fifteen men who were on foot; all these persons were destitute, and had not and could not get anything to subsist on; had a great many applications for bread and meat, but refused all parties of men when they had enough of either to last them to the settlement. I have determined to make a depôt here, and to leave some provisions and a few animals; heard dreadful accounts of the destitute situation of the emigrants in the rear, and was told by a man who left Salt Lake on the 1st of September, that many of the emigrants had determined to winter at that place. Heard from Mr. Peoples to-day; the Indians had run off with a few of his animals, but he was still moving on to reach the rear of the emigration.

Forty wagons, 35 pack mules, and some footmen, passed my camp to-day, all the emigrants were considerably alarmed in consequence of the snow last night.

October 12th. Left camp this morning at 9 o'clock, crossed the right branch of Feather river, and after travelling one half mile came to a large emigrant camp of 56 wagons with many families, they were recruiting their stock, and cutting and drying hay. Halted to establish a depot and left one wagon, 14 of the thinnest mules, two poor horses, some bacon, bread, and flour in charge of Mr. Rogers and three other men; whilst here, I exchanged two barrels of pork and two of bread, which I had left in the valley, for bacon and bread, which I found with the train here. Immediately after I halted at this place, I was surrounded by a great number of persons, all asking for provisions, saying that they were destitute, out of money, and had borrowed from their friends, until they could loan them no longer. I told them all that they were near the settlements, to consider the situations of those, many days in the rear, and to be moderate in their demands, killed a beef, and issued a portion to them, with some bread. The recipients were the families of Messrs.

Goddard, Cox, Browen, Bell, Hanson, Mane and Burgess, after we started we were stopped six or seven times in the road, and asked for provisions; gave some to Mr. L. G. Coldwell and family, (six children,) he told me he had lost all his teams, and had to abandon his wagon, and had been dependant on a friend who was in consequence nearly out; gave him 30 barrels of bread, and a small beef; also issued to Robert Bryant and family and a few footmen, a small quantity of bread. Met soon after a number of families, who had projection-bed (or sort of two-story) wagons, whom I advised to raze, or throw away; but declined studying comfort more than expedition; passed 83 wagons from the depot to our encampment, which was about nine and a half miles, and on the east branch of Feather river, country similar to that of the last days march; distance 11 miles.

October 13th. Did not start very early this morning, in consequence of a large pack train from Arkansas, coming up and demanding provisions; they were all well mounted, and being well satisfied that they could soon reach the settlements, being healthy young men, I issued to them very sparingly before leaving camp. I sent Mr. Hicks, well mounted, to go ahead to the rear of the emigration, to ascertain their number and probable wants, and to return to me with all dispatch. By him I addressed a circular to the emigration, admonishing them of the lateness of the season, and urging them to throw away all useless articles, and move in as fast as possible. Passed to-day 41 wagons, about one-half with families, and reached a large spring on the right of the road; distance seven miles.

October 14th. Left camp this morning at nine o'clock, and so very sick with fever that I was unable to ride, and took to a wagon for the first time in my life. A short distance from camp met the Nodoway train; the men, women, and children were clamorous for provisions, but as I had ascertained from an undoubted source that they were well supplied, and had been selling to the poor all along the road at high prices, I was constrained to refuse acceding to the demands after considerable delay with others, and furnishing to the families of Thomas Cameron, John Cameron, Mr. Leavin, Mr. Barnum, one quarter of beef and 25 pounds of bread. I reached some springs to the left of the road, where I encamped, and where I found a number of families who called on me for supplies, but whom a burning fever compelled me to put off until to-morrow morning. Whilst lying in my tent at night, Mr. Peoples, who had command of the advance party on this route, came in very unexpectedly. He had proceeded with his party to near the summit of Sierra Nevada, but being stricken down with the mountain fever, was forced to send his party on, and return in a wagon of a physician, who had succeeded in breaking the fever. He was very thin and weak, but being satisfied that the fever was broken, expressed his desire to return to the mountain, which I gladly consented to. For the last few days, the accounts from the rear of the emigration have been of such a nature that I have concluded to issue my rations more sparingly, at least until I can obtain more definite information, which I expect soon, through Mr. Hicks, whom I have sent ahead. If I then find that the rear will not need all my supplies, I will dispatch a portion back to assist more liberally those to whom I had issued slightly. The country passed over to day very much like that of a few previous days, with the

exception that the pine growing more diminutive; passed 41 wagons; distance seven miles.

October 15th. Before leaving camp this morning, supplied the families of Messrs. H. Robinson, S. Burroughs, W. W. Ferguson, with a yearling beef, some bread and rice; also, Capt. Bruff, of the Washington city company, with some pork and bread. I had not proceeded more than a mile before I met a family train, and supplied the widow Ely and six children, with bread and pork, and one or two others with a few articles. Five miles further on, came up to a large train of family wagons, and issued to the widow Pope and children, and a few others, a lot of pork and bread. Seven miles further brought us to a small mountain stream, where there was good grass and where we encamped. The country to-day was comparatively level, though a portion of the road was very rocky—passed 40 wagons, mostly family ones, and travelled 13 miles.

October 16th. This morning I was very unwell, and several of the men prostrated with fever; I thought it advisable to lay by and try and recruit them and myself, the grass being very good for the animals. Not a single wagon passed us to-day, or did any come up till late in the day. Some families whom we met yesterday afternoon sent back to us for supplies, to whom I issued nearly a whole beef; they were Mr. Nash and family, Mr. Evans and family, and several other families and packers.

October 17th. Started this morning at a late hour in consequence of having to issue to the trains that came in last night, every wagon of which contained a family. To the families of Messrs. Hight, Irland, Kidwell, Dodson, and others, with a number of packers, I issued fifty pounds of bread and two hundred pounds of beef and some rice. After starting, we did not get more than three hundred yards before we met eleven packers entirely destitute of provisions, to whom I gave some pork; they had hardly left the wagon, before there came up a German family by the name of Scharmann, to whom I gave twenty-five pounds of pork and some bread; a few minutes after, I met Colonel Pickering and family, and having heard that he was entirely out of provisions, supplied him with some. Next, met the western train of eight wagons, some of which were entirely loaded with flour. I advised the captain to dispose of a portion of his provisions to the emigrants, as he could not haul them over the hills, and could procure them at a reasonable rate in the settlement. One mile in his rear met the train of Captain Melvain, (twelve wagons,) and as he represented some of the families entirely destitute, I told him to send to my camp, and I would give him what I could spare; he sent back, and I gave to him, and to the family of Mr. Fairchild, and to several others, two quarters of beef and twenty pounds of bread. Also furnished Dr. Robinson, a gentleman lame with the scurvy, with a mule. The packers I met this morning were the latest I had seen on the rear of the emigration, and from the information elicited from them, I was led to believe that there were fewer emigrants in the rear than I had expected. The country to-day a perfect sameness of that of the 15th. Passed forty-three wagons. Distance, ten miles, to springs in valley on right of road.

October 18th. This morning, before leaving camp, issued to William Neal and family, Messrs. Lawrence, Vestry, Courtney, Fisher, and oth-

ers, 120 pounds of beef and twenty pounds of bread. Four miles on the road, met Thomas Jenkins and family entirely destitute of provisions; gave them a hundred pounds of beef, some bread and rice. A few miles further on, met a family train, but they were not in need of assistance. In rear of them was Lieut. Williamson's carriage, which he had left behind with a wounded man, who had died the day before. In consequence of a late start and much detention on the road, I did not reach camp until near night. I was forced to send and guard the cattle and animals, one mile west of the road, to obtain grass. The country over which we passed to-day was more broken than that of the few preceding days, and the timber much larger, with an occasional small valley. Passed thirty-nine wagons. Distance, thirteen miles.

October 19th. From information elicited from various packers who came into camp last night, in connection with previous advices, none of which represent the emigration in the rear as exceeding one hundred wagons, and some as low as fifty, I have concluded to go to-day but two or three miles, to good grass and water, and from thence return to the valley of Feather river, taking back with me one wagon, a small quantity of breadstuffs, eleven head of beef-cattle, and a few animals, in order that I may render more effectual assistance to those whom I have passed, and issued lightly to, believing that I have a larger supply on hand than will be absolutely necessary for those now in the rear. My object in returning myself with these supplies is, to try and recover my health, which is becoming worse every day's journey north. I have instructed Mr. Peoples to take charge of the party I leave, to unite it with his party now in advance with the bulk of the provisions, proceed on until he reaches the rear of emigration, which it is believed will be near the head of Pitt river, and with his men, animals and provisions, to facilitate the progress of the emigration, and to get out of the regions of snow as quick as possible. From the same packers I learned that the advance party did not cross their cattle over the Sierra Nevada, and from that fact I am convinced that they knew themselves to be in the vicinity of the last of the emigration; they having had positive orders from Mr. Peoples, when he left them, not to stop short of Mud Lake, unless well advised that the last of emigration was near the summit of the mountain. Before getting to our camp to-day, met several destitute families, whom I supplied with beef and bread, amongst them those of the widow Taylor, Mr. Gage, Mr. Henly, Mr. Mara and others. Passed twenty-one wagons. Distance, four miles.

October 24th. Left Mr. Peoples near Pitt river on the 20th, and arrived in the valley of Feather river early this afternoon. Found here a large number of emigrants recruiting their stock; had many applications for provisions and mules.

October 25th. Killed several beeves to-day, and issued to families who were in want, and to persons sick with the scurvy, of whom there are a great many. Also issued a number of mules to individuals, to enable them to get their families into the settlement they having lost their teams by death and other causes. Amongst them were Dr. O'Brien, Mr. Hall, Mr. Jenkins, Mr. Goodrich, and Mr. Fairchild.

October 26th. To-day received a letter from Mr. Peoples, informing me that the Indians had stolen the oxen belonging to the rear train of the emigrants, and that he was near them with his party. In the same



letter he having informed me that he had a sufficiency of animals, to bring in the women, children, and sick men, and enough provisions to subsist them, I determined to start to-morrow for Sacramento city, leaving Mr. Rogers, with five men and a few animals and some provisions, to assist and come in with Mr. Peoples.

October 27th. Started this morning for Sacramento city, with a view of reaching Lassen's in two days, but my health is so bad that I cannot do so.

October 29th. Reached Lassen's to-day, having passed a great number of wagons during the three days I have been on the road, the majority of them getting on well.

October 30th. Sent Dr. Austin back with instructions to Mr. Peoples to hasten in with the emigrants, telling him that Mr. Davis and others in the valley predicted an early snow-storm, and consequently there was great danger of his being caught in it. At 11 o'clock I started for Sacramento City.

November 2d. Reached Sacramento City this morning, and found that Mr. Chandler and Colonel Foreman's parties had been in for some days. I immediately started Mr. Chandler back to the base of the mountains, to see about some property and provisions he had left in depot there.

November 3d. On examination this morning, found that a great deal of the property belonging to the two parties that had returned, had been lost since their arrival; many of the mules had strayed, and some drowned in the endeavor to get them on an island for security and grass. The mules were much reduced in flesh, and unfit for present service; I determined, therefore, to sell them at auction, believing it would be greatly to the interest of government to do so, inasmuch as it was impossible to get persons to herd them, who would be responsible for their loss, and by my utmost exertions I found it impossible to prevent numbers from straying every night. To get grain and hay sufficient to forage them was impossible.

November 4th. Worked all day to-day in getting my property together, prepared a carrel for the mules, to keep them in provisions to the sale, and had printed and posted up about the town notices to the effect, that the animals, &c. would be sold at public auction. On the 7th inst. sent out the party to call and bring in all the public animals that could be found. Mr. Hunt returned to-day with his party, stating that he had brought in all the emigrants on the Carson river route.

November 7th. Sold a number of animals to-day; they brought good prices considering their condition, principally owing, I believe, to the fact, that there were a great number of persons in town destined for the mines, who wanted animals to transport their effects. Paid off and discharged Mr. Hunt's party.

November 12th. I have felt a good deal of anxiety for some days past for Mr. People's party and the emigrants with him, on account of the storm. I am fearful they have been caught in the snow. The express which I directed Mr. Peoples to send me, on his reaching Feather river, should have been here several days since. I fear the bearer has been detained by the storm.

November 13th. Employed a person to go on express to Mr. Peoples; he was just in the act of starting when Mr. Rogers arrived, with a let-

ter from that gentleman, stating, that on the evening of the 5th he had reached to within 40 miles of the settlements with all the emigrants, but that during that night the snow-storm, which had raged for seven days, had killed nearly all of his animals. That he was consequently forced to leave his wagons and push on to the settlements with what women his remaining mules could carry, leaving with the remainder of the emigrants rations enough for some days, or until he could return with fresh animals to bring them to the settlements.

November 14th. Started Mr. Chadwick and Mr. Rogers early this morning to join Mr. Peoples, sending him \$1,000 in coin, and authority to draw on Smith, Bensley and Co. for \$9,000 more, with instructions to purchase oxen and mules, for the further assistance of the emigrants in the hills, also, stating to him to bring the families to a point beyond the snow region, without fail; and further, that should he be again taken sick, to turn over the charge of the party to Mr. Chadwick, whom I had sent to him with this view; but he was not to do so if he could possibly leave his bed. The instructions also authorized Mr. Peoples to sell at public auction all the animals he might have remaining, after the object of his expedition was completed, provided the rains continued, and the roads kept in their present condition, as in that event it would prevent him from bringing safely the animals and other property to this place.

November 20th. My health being somewhat improved, and hearing some dreadful reports about the sufferings of Mr. Peoples and his party, I determined to go back to Lassen's, and bought for that purpose a strong horse, in order that I might get up there as soon as possible, and satisfy myself. On the evening of the 24th, after passing over a very bad road, and bogging my horse several times, I reached my destination. On my arrival I found that many of the emigrants had got in, and that Mr. Peoples was again in the hills for the others. At his camp on the Deer Creek, where were two or three of his party, I found a number of women and children, and helpless men, subsisting upon their supplies, they not having the means to procure the necessaries of life. Around the ranchos of Lassen and Davis were the emigrants apparently destitute of means, and the road so bad they could not get away.

November 26th. This afternoon Mr. Peoples came in with his party, hauling in the last of those whom he had left in the snow where his mules died, and who were the rear of the emigration. A more pitiable sight I never beheld as they were brought into the camp; there were cripples from scurvy and other diseases, women prostrated by weakness, and children who could not move a limb, all helpless as infants; in advance of them were men mounted on mules who had to be lifted on and off the animals, so entirely disabled had they become from the effects of the scurvy. Mr. Peoples having satisfied me that they were all in the valley save a few who preferred stopping in the game region hard by, I made arrangements at once to dispose of the animals and other public property at auction, deeming it impossible to get the animals to Sacramento city without losing a number of them, so difficult is the road to that place now.

November 27th. This afternoon sold off every thing but enough animals to take us to the city, and settled up all the accounts at the two ranchos.

December 1st. Arrived at Sacramento city this afternoon, having left

Lassen's on the 28th ult. The roads were very bad, and we had to dismount several times to pull the animals out of the bogs with ropes.

December 3d. To-day sold all the animals and other public property at auction, had the men all discharged and paid off, and, with the exception of arranging my papers, the whole business of the expedition is concluded.

Respectfully,

D. H. RUCKER,  
Bvt. Maj. U. S. A.

NAVY DEPARTMENT,  
May 20th, 1850.

SIR: I have the honor to state, in reply to the resolution of the Senate of the 9th instant, that this department is in possession of no information not heretofore furnished, touching the subject embraced in the call.

I forward herewith a copy of a confidential letter and extracts of a despatch (No. 99) received from Commodore Jones since the 17th of January last, relative to affairs in California. The portion of Commodore Jones' despatch which has been omitted, relates only to his immediate command.

I have the honor to be, very respectfully,

Your obedient servant,

WM. BALLARD PRESTON.

THE PRESIDENT.

(Confidential.)

FLAG SHIP SAVANNAH,  
Benicia Roads, February 22d, 1850.

The Honorable W. BALLARD PRESTON,  
*Secretary of the Navy.*

SIR: Sensible of the deep interest felt by the Cabinet at Washington in regard to every movement connected with the organization of a State or Territorial government in California, I deem it my duty to say, that however *faulty* the Constitution adopted with great unanimity by the people of California may be in the eyes of some, its *rejection* by Congress might produce results in this territory ever to be regretted by all lovers of peace and concord.

Before the assembling of the convention at Monterey, in September last, to form a State Constitution, there were advocates in California for declaring this territory free and *independent of the United States*, and of every other country. The newspapers from the Atlantic States received by the last mail, are filled with surmises and conjectures unfavorable to the acceptance of the California Constitution; these unwelcome rumors have revived the restless spirits about San Francisco; already has it been said in high places, that should the Constitution be rejected by Congress, "no more duties will be collected *under the laws of the United States in California*—California will set up an Independent Government of her own," etc., etc.

That such has long been the disposition of a few aspirants I verily believe, but the constant inpouring of emigrants and the organization of

a state government, checked any open expression of such views, which I am sorry now to say are on the revival, in anticipation of a rejection by Congress of their state constitution.

I am satisfied that the presence of the naval force in the waters of San Francisco last summer greatly restrained the aspirants to independent government, and I am equally certain that if the consequences above hinted at, in the event of the *unconditional* rejection by Congress, or of a failure of that body to act on the California state constitution during its present session are not attempted, it will be mainly attributable to the presence of the naval force, which might be brought to bear as intimated in my despatch No. 85.

Notwithstanding what is stated above, I am thoroughly satisfied that the great mass of our fellow citizens in California are strongly attached to the federal compact, and that nothing short of self-preservation could induce them to unite in setting up a government independent of the United States; but their condition is anomalous—truly may it be said that they are a community intelligent and wealthy, advancing in all the relations of society and nationality with a rapidity beyond precedent, and yet they are without any acknowledged written laws, bonds or constitutional government to cement and bind them as a body politic. It is hardly possible that this state of things can endure another year.

I have the honor to be, your obedient servant,

(Signed)

THOS. AP. C. JONES,

*Commander-in-chief United States Naval forces, Pacific Ocean.*

(No. 99.)

FLAG SHIP SAVANNAH,  
*Benicia Roads, March 8th, 1850.*

The Honorable WM. BALLARD PRESTON,  
*Secretary of the Navy.*

SIR: I have the honor to acknowledge the receipt by the last steamer of several communications from the Navy Department, dated respectively January 3d, 1850, and January 4th, 1850, the latter enclosing copies of two letters to Wm. H. Aspinwall, Esq.

As regards keeping the ships of the squadron at sea, I beg leave to say that you cannot be more anxious upon that point than I am. On comparison, I think it will be found that the ships when under my command have been more actively employed than the ships of any other squadron, or under any other commander in our navy. It is true the Savannah has not been to sea since her arrival at San Francisco, nor can she cruise until a crew is sent out to supply the place of those unavoidably transferred to the Ohio, to work that ship home. No one regrets this state of apparent inactivity more than myself and the officers subjected to it; although this ship and the Warren are not at sea, their officers are not idle, all have enough to do, with less liberty, fewer comforts and heavier expenses than ever before fell to the lot of navy officers.

\* \* \* \* \*

I observed not long since in the New-York Herald a letter from the editor's California correspondent, well known to all of us here, in which

he complains of the ships of the squadron remaining so much in San Francisco; that correspondent has been, and I have reason to believe still is, in favor of an *independent* government for California. That feeling, and to which I referred in my confidential letter of 22d February last, is rapidly and openly extending, and can only be restrained by the navy and by keeping a ship or two constantly in San Francisco.

Most respectfully, your obedient servant,

(Signed)

THOS. AP. C. JONES.

*Commander-in-chief of United States Naval Forces, Pacific Ocean.*

*Treasury Department,  
May 20th, 1850.*

SIR: I have the honor to acknowledge the receipt of resolutions of the Senate, dated the 19th inst., referred by you to this department, requesting the President of the United States to communicate to the Senate, copies of all correspondence, between any of the executive departments and Gen. Persifer F. Smith and Gen. B. Riley, relating to affairs in California, and also to furnish certain information in regard to certain other matters indicated in said resolutions.

In answer thereto, I herewith transmit copies of two letters addressed to this department by George Gibbs, inspector of customs, and deputy of the collector of the district of Oregon, dated in February, and March 13th, 1850, being the only correspondence, and containing the only information on the subjects indicated in the resolutions in the possession of this department, not hertofore communicated to Congress.

I have the honor to be, sir, very respectfully,

Your obedient servant,

N. M. MEREDITH,

*Secretary of the Treasury.*

THE PRESIDENT.

*Astoria, Oregon Territoy, February, 1850.*

*To the Hon., the Secretary of the Treasury.*

SIR: By direction of Gen. Adair, the collector of this port, I have the honor to report to you the condition of this office.

No communication has been received from the department since his arrival here in April last, with the exception of the circular instructions from the Bureaux, among which was one from the solicitor of the treasury, requiring the execution of new bonds under the act of the last session, which came to hand only a short time since. The execution of the bond is impossible, for the reason that there is no judge or other officer in the territory qualified to administer an oath, nor is there any district attorney. Both the United States judges are absent. The obtaining requisite sureties is moreover out of the question.

It is proper that the department should be informed of the entire impracticability of following literally, the requisitions of the revenue laws in this territory under existing circumstances. Persons qualified to discharge the duties of inspectors cannot often be obtained for the amount allowed by law for their compensation, which is less than half the



wages of ordinary days labor in this country. What could be effected to carry out the objects of the law has been done, though imperfectly. Citizens have in some cases been employed to accompany vessels up the river, and oversee their unloading, and in two cases the collector has gone himself. Recently Capt. White, the master of the pilot boat at the mouth, has been appointed an inspector, an act rendered necessary by the character of the inhabitants in Baker's Bay, where ships generally anchor on entering or clearing, who are for the most part low whites engaged in selling spirits, and Indians. It is not supposed that smuggling has been attempted at this port, but the facilities for it nevertheless exist, and the same care cannot be exercised as elsewhere to prevent it.

The omission to create a port of delivery above Astoria, has been the cause of a necessary departure from the laws. As the shores of the Columbia river are for the most part either precipitous, and covered by dense forests, or subject to overflow by the annual freshets, no settlements exist upon them between here and Vancouver. A few houses at considerable distances apart, or the straggling huts of Indians alone intervene. Astoria is not of itself a business place, as population has hitherto tended to the agricultural districts. For more than a hundred miles above, the country is an almost unbroken wilderness. The greater part of the American inhabitants are in the valley of the Walahmet river, and the nearest point to which goods for their use are conveyed is Portland, a small town twelve miles from its mouth, whose vessels drawing not over 7 feet water can unload at ordinary times, and to which during the rise of the river still larger ones can ascend, their cargoes being taken up to Oregon city in canoes. The latter is the only considerable town in the territory, and contains some six hundred inhabitants.

In this state of things Gen. Adair has considered that the spirit of the law would justify him in permitting vessels to proceed with their cargoes direct to Portland, (although it is not a port of delivery) after entering at Astoria. The Hudson Bay Company's ships are authorized by treaty to navigate the Columbia, and to force American vessels to unload here would subject them to ruinous expense and delay, and give an undue advantage to those of a foreign power. There is moreover at this port but one small warehouse at the collector's disposal, and the impossibility of obtaining labor to erect others sufficient to store all the goods brought here, would alone have prevented it. The vessels trading to the Columbia, take out chiefly cargoes of lumber with some flour and other produce, and these they must take in above. Any other course would in fact have been to annihilate the trade of the territory. The same reasons prevailed with him in the case of two French vessels, *S'Evile du Martin*, and the *Duc de Lorges*, which entered with assorted cargoes of dutiable goods. Had no other alternative been offered them than to unload here, they must either have lost their cargoes, or changed their destination. Both these vessels were moreover in distress and leaking, and they could be repaired at no place nearer than Portland. These instances are more particularly mentioned, because the Hudson Bay Company have endeavored to stir up dissatisfaction at the collector's conduct in the matter. In respect to that company, the department was sometime since informed that they had entered a protest against the

collection of duties on certain of their goods imported into this territory, on the grounds, first, that some of them were intended for trade north of the forty-ninth parallel of latitude, and second, that others were for sale to their servants. The latter objection appeared frivolous on its face, and as to the former it seems sufficient that no security can be offered or enforced that the goods will be so re-exported, or will not be brought back. Nor is any stipulation by treaty or law known here that would support it, if there could be. Custom House supervision on the upper waters of the Columbia would at any rate be a novel development of American enterprise. The duties collected are yet in the hands of the collector, but no instructions on the subject have been received. It is with reference to the Hudson Bay Company, that additional precautions are respectfully suggested to the department for the protection of the revenues. Its principal depot has been transferred to Victoria upon Vancouver's Island, within sight of the American shore, and at a distance of not more than one hundred miles from their port of Nisqually, at the head of Puget's sound. From there a route leads down the Cowlitz, (a river navigable for canoes, and upon which they have establishments,) to the Columbia and Fort Vancouver on the latter river, at which they still retain a trading house. Another practicable route leads from Nisqually by the Snohomas and Tacquina rivers to the north fork of the Columbia, near Fort Wallah-wallah. The temptations to an illicit introduction of goods into Oregon by these routes are great, and with our present means cannot be prevented. Since the arrival of the two cargoes early last summer upon which duties were laid, none have been entered at this port consigned to the company, and as there is neither a custom-house nor an officer at Nisqually, there is reason to fear they have taken another direction. Certain it is that they would not supply that station from Vancouver at the expense of canoe and land transportation when they can get them direct from Victoria. A revenue station somewhere on Puget's sound, and a revenue cutter to cruise between there and this river, can alone put a stop to the mischief. The trade of this territory in the first year of its commencement has far more than defrayed the expenses of collection, and there is every reason to believe that it will continue to increase and deserve protection; but, independent of this, the interests of the country would seem to demand that a foreign trading company, one which has to its utmost (while it had the power) suppressed all American interests, should not be permitted at our cost and risk to stock the country with goods and supply the nations with fire-arms.

As there is no armed vessel upon this coast, a cutter would moreover serve the purposes of relief and protection. Vessels blown off during the winter, have frequently suffered all but the last extremes of distress, before making port, and we have ourselves, no means of assisting them.

There are besides, several tribes of Indians, whose depredations require to be repressed. Two cases have happened recently, one of the pilot schooner Hackstaff, from New York, which grounded at the mouth of Rogue river, and was taken possession of, and plundered by the natives, the other the barque Undine from San Francisco, which was driven north to Cape Flattery, was fired upon, and escaped capture only, by slipping her cable. This vessel was out 100 days, her water and provisions failed, and she got in, when her crew were on the verge of starvation.

Still another instance might be cited. The brig Forrest, some two months out, and destitute of provisions, arrived off the mouth of the river, and not being able to enter, some of her passengers attempted to land in a boat. They were drowned, and a sum of about \$15,000 in gold, which they had with them, was picked up by the Indians of Cape Disappointment, and irrecoverably lost. A vessel of size sufficient to cruise off the harbor, might have prevented or remedied all these misfortunes.

The erection of a light-house upon Cape Disappointment, and at New Dungunness was provided for, by this act creating the territory of Oregon, and the late secretary of the treasury referred the subject to the coast survey. As a long time will elapse, before the duties of that service will permit their attention to it, and as the growing trade of this port renders the immediate erection of the first a matter of vital importance, it is respectfully urged that the collector be authorized to contract for the building, and that the lights and machinery, with a supply of oil, for one year's consumption, be at once sent out. At the same time it should be stated that the sum appropriated is, at the prices of labor and material here, wholly insufficient. Carpenters' wages being ten dollars a day, and lumber worth at the mills 100 dollars per thousand superficial feet. Buoys and anchors for the channel should also be sent out. They cannot be got here; but if we had them, they could be put down by the pilots.

No instructions have been received by the collector, and no forms sent him respecting the returns of imports and tonnage, or of exports. The imports, which from foreign countries have been very small, compared with the wants of the country, are of such various kinds, and in such small parcels that any account of them would resemble the inventory of a retail store. The exports have been in round numbers, from April 1st, to February 1st, as follows: Sawed lumber, four million feet, valued at \$100 per thousand here. Logs sawed and round 1000, shingles 500,000 at \$12 per M. Flour, about 3000 barrels, at from \$15 to \$20, besides potatoes, onions, butter and cheese in considerable quantities, but in such various packages, as to defy computation.

The total number of vessels entered during the same period was sixty-three, and their aggregate tonnage about 13,000. Of these, all but four was entered coastwise. Two others were consigned to the Hudson Bay Company, and two were French vessels.

The amount of duties collected up to January 1st was about \$23,000, of which \$6,800 was paid under protest. It is proper to remind the department that while no instructions or communications other than those mentioned, have been received here, and the other departments of the territorial government have been equally overlooked, no funds whatever have been transmitted for the payment of salaries, or the expenses of government, since its organization, except a sum advanced to the collector on leaving the United States, for the expenses of his transportation and office. In addition, we find by the acts of the last session, recently received here, that receivers of public monies are ordered to pay into the treasury the *whole amount* collected by them without deducting their salaries or expenses. The impossibility of any officer complying with such a law at this distance is evident. He must borrow or starve before his accounts could be rendered, the money transmitted, and the salary sent back to him; while he cannot even use the funds in his hands for the payment of government expenses. He is, in fact, required

to advance to the United States even their own necessary disbursements. Certainly the salaries of officers here must be largely increased before they would consent to serve under such conditions. Drafts have been made upon the collector by the other officers and by the legislature for the amount of their pay, but with the exception of those of which you have already been notified, they have been dishonored. Both the judges are absent from the territory, there is no district attorney, no Indian agent, no magistrate of any sort who can issue a writ; nor do any funds exist for the payment of witnesses or jurors. In short, except the military, there is no government in the territory. Indeed, unless a scale of compensation exceeding that of the Atlantic States is adopted, no government can be maintained here. Not an officer in the territory can live upon his salary (even when paid,) unaided by other employments. The scale of prices for articles of necessary use, and for labor, you will see by the accompanying memorial of officers of the army, stationed here, and even that is far below the rates prevailing at present. In consequence of the failure of the Pacific Steam Company to bring the mails farther than San Francisco, they are committed to transient vessels, which are generally weeks and sometimes months in making the trip, and our receipt of intelligence is consequently very irregular. The injury to this country is a great one, and as the home government pay so heavy a compensation for the service, we feel justified in asking that its performance be enforced. The latest dates from Washington are at this time three months' old, and some weeks may elapse, in the customary order of things, before we can either send or receive intelligence.

As the communication with the Atlantic is so uncertain, and as occasions often occur when a great responsibility is thrown upon officers of the government here without the possibility of consulting the proper authorities it is trusted that the exercise of their best discretion under the circumstances, will be sustained. I take the liberty, however, of suggesting that a confidential officer should be directed to visit this country, and report to the department the actual condition of things, being empowered at the same time to give its sanction to such proceedings as are required for the conduct of public business. In particular is this desirable in authorizing expenditures which are absolutely essential, and yet are beyond the rates customarily allowed.

General Adair having recently appointed me his deputy clerk and inspector, under authority of his letter of instructions, subject to your approval, I herewith forward the oath required by law, simply stating that I am a resident at this place, and can attend to the duties of the office without interference from or with my private concerns. The Hon. Truman Smith, Mr. Clark Hare, of Philadelphia, or J. Prescott Hall, U. S. District Attorney for the Southern District of New-York, will, I presume, permit me to refer to them. The gentlemen heretofore employed, both subsequently left for California. The necessity of an assistant to the collector will be understood from the fact that he has been able to leave this port but twice since his arrival in the territory, and then to act as inspector on board vessels. The salary of neither office would, without other employments, be an inducement to retain it, but in the absence of any other person I have consented to discharge the duties of this. I believe that few officers in the States would, however, find a less anxious

applicant. I would also respectfully request that a commission, as permanent inspector, with the highest pay allowed by law, be granted to Captain Charles White, of the pilot-boat Mary Taylor. He is the principal pilot of this port, and a trustworthy man, and his services have been important in boarding and watching vessels, and preventing the landing of spirits at Baker's Bay. The settlement there consists of low whites, and their traffic with the Indians is a serious mischief.

It is proper to state that the iron chest, intended as a depository of public moneys, which was sent out here, was accompanied by the wrong keys, and has never been opened to this day. Such a safe is very desirable where all the buildings are of wood. At present the government funds have to be kept in the collector's house. General Adair's accounts for the last quarter will be transmitted to the proper office by the same mail that carries this, and his special account for the sum of \$6,000, advanced on his departure from the States, for cost of transportation and procuring office accommodations, will be rendered so soon as some outstanding bills are settled.

Should you, Sir, desire from time to time, any information respecting the condition of this territory, I believe that my acquaintance with the country and the inhabitants, will enable me to furnish reliable intelligence, and I shall feel honored with any application from your own, or other departments.

I have the honor to be,

With perfect respect,

Your obedient servant,

GEORGE GIBBS.

February 22d.

Information, believed to be positive, was received to-day, that a British vessel was discharging at the Sound. No means are in our power to intercept her. The papers of the former one were seized, and sent to the Collector at San Francisco.

*The Secretary of the Treasury.*

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*To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled :*

The memorial of the undersigned, officers of the United States army stationed in Oregon territory, respectfully sheweth : That your memorialists have been sent to this territory on public service in the line of their duty ; that in addition to the privations and hardships which they knew must exist at extreme frontier stations in a country but recently opened for settlement, they find themselves in circumstances of the most embarrassing character without other hope of relief than such as an appeal to your honorable body may afford.

They would respectfully state that a condition of things prevails here precisely similar to that known to exist in California, and arising from the same cause : the discovery of the gold mines and the consequent deterioration of the value of money in their vicinity ; the Columbia river being but from four to six days sail from San Francisco, California.

The pay and allowances of the army were established for a meridian where a very different state of things as to wants and prices prevailed.



Here, where the common necessities of life are from four hundred to two thousand per cent. higher than in the United States, and the ordinary comforts of life are within the reach only of the wealthy, or those whose trade or profession has kept them up with the advance of labor and prices, where luxuries are beyond the reach of all but the most fortunate of these, they find their pay utterly inadequate to their support. Rigid economy can scarcely eke out a living on a stipend fixed under circumstances so different.

Without relief they must suffer great privations, such as would not comport with the character of a great nation to require of her servants in time of peace, or contract debts beyond their resources, and thus bring disgrace upon the service.

They cannot enumerate here all the facts which would render apparent the necessity of the relief asked for, but would respectfully refer to the annexed price current and to the statements of several of the principal citizens of the territory, by which it will be seen that the pay of the commanding officer of the department is not equal to that of those to whom the ordinary branches of industry are open, and that of a captain or subaltern is not as much as common day labor would yield, their expenses being much greater than if engaged in those pursuits.

While your memorialists ask that such an increase may be made of their pay and allowances as will afford them a comfortable living, they would also state that although the soldier having his allowances (food and clothing) furnished him in kind here as in the United States, cannot feel the difference in his position as much as his officer, still the inducements to desert are so great, that economy would suggest a liberal increase of his pay, and thus by awarding those who remain faithful to their colors, prevent the loss to government of the services of many on whose account expenses have been incurred.

And your memorialists will ever pray, &c.

*Signed by officers of the United States Army stationed in Oregon Territory.*

*Statement of his Excellency, Governor Joseph Lane.*

I know well that the officers of the army, on duty in Oregon, cannot live upon their pay, as fixed by law; their salaries must be increased, or they must bring to their support other means than their pay. The good of the service, as well as justice to the officers serving in Oregon, will, I hope, be a sufficient appeal to Congress, for a prompt increase of pay. I am also well satisfied that the pay of the soldier serving in Oregon ought to be increased, and unless it is done it will be extremely difficult to keep a force in Oregon.

(Signed)

JOSEPH LANE.

Oregon City, Dec. 12th, 1849.

*Statement of Dr. Jno. McLaughlin, Ex-Governor of the Hudson Bay Company.*

I feel confident that I am fully acquainted with the price of labor, and of every article of provisions and goods sold in the country, and I am

certain that it is impossible for civil or military officers to support themselves on their pay; and the high price of labor here and in California is such an inducement to soldiers to desert, that unless measures are taken to make it their interest to stick to their colors, it will be extremely difficult, perhaps impossible, to maintain a military force in the country; and most certainly a military force is required.

(Signed) JOHN M'LAUGHLIN.

Appended to the original memorial are other and similar statements made by citizens of the territory.

PRICE CURRENT:

*Oregon City, O. T., Dec. 5th, 1849.*

Flour, per barrel,	-	-	-	\$	a	\$20.00	now, \$30.00
Oats, " bushel,	-	-	-	2.00	a	3.00	" "
Potatoes, per bushel,	-	-	-	2.50	a	3.00	" 8
Beets, " "	-	-	-			5.00	" 15
Onions, " "	-	-	-			5.00	" 15
Eggs, per dozen,	-	-	-	75	a	1.00	
Milk, " quart,	-	-	-			75	
Poultry, per pair,	-	-	-	1.00	a	1.50	
Cheese, " pound,	-	-	-			75	
Sugar, (brown) per pound,	-	-	-			23	
" (white) " "	-	-	-			40	
Beef, per pound,	-	-	-			12½	" 25
Pork, " "	-	-	-				" 37½
Mutton, per pound,	-	-	-			16	
Butter, " "	-	-	-	1.00	a	1.25	" 1.50
Windsor chairs, per dozen,	-	-	-			36.00	
Common Dinner Plates, per dozen,	-	-	-			2.00	
Do Tea Cups, " "	-	-	-	3.00	a	5.00	
Do Tumblers, flint, " "	-	-	-			4.50	
Do Knives and Forks, " "	-	-	-			5.00	
Britannia Spoons, (large) " "	-	-	-			3.50	
Do do (small) " "	-	-	-			1.50	
Coarse Boots, (stoga,) per pair,	-	-	-			10.00	
Do Shoes, per pair,	-	-	-			5.00	
Domestics, per yard,	-	-	-	12	a	20	
Carpenters' labor, per day,	-	-	-			10.00	
Common day labor,	-	-	-			4.00	" 5
Making frock coat, (uniform,)	-	-	-			30.00	
rock Coat complete, (uniform,)	-	-	-			65.00	
Making Pantaloon,	-	-	-			10.00	
Do Vest,	-	-	-			8.00	
Do Shirts,	-	-	-			3.00	
Washing, per dozen,	-	-	-			3.00	

(Signed)

CAMPBELL & SMITH,  
Oregon City.

The above is a moderate statement of the prices current; many of the articles are at this time held at higher prices.

(Signed)

S. M. HOLDERNESS, H. LEE & CO.,  
A. LEE LEWIS, H. B. CO.

Lumber, per 1,000 feet, at the mills,	-	-	\$1.00
Cord Wood for fuel, per cord,	-	-	5
Candles, Sperm, per pound,	-	-	6

*Port of Astoria, District of Oregon, March 13th, 1850.*

SIR: A copy of the circular instructions, new series, No. 26, dated November 10th, 1849, reached here in the course of the month of January. As it was directed to Mr. St. John, who was then expected, and the nature of its contents unknown, General Adair did not open it until the receipt of informal intelligence that he was not, at least immediately, coming out. The instructions of the 22d August, therein referred to, have never been received, and the forms prescribed being unknown, the information cannot be forwarded as required, but a monthly transcript from the account current will be hereafter sent instead until otherwise directed. Permit me to say, however, that until some other than the existing mail arrangements are made, the certainty of their reception is doubtful.

In order that the department may not attribute to negligence the informalities of this office, I take the liberty of inclosing a list of all the instructions received by the collector from the department since his arrival here.

1. From Solicitor of Tr'y, dated May 16th, 1849, enclosing new bonds.
2. " Register " " Sept. 8th, 1849, requiring list of revenue officers.
3. " Secretary " " Oct. 12th, 1849, (new series, No. 23.)
4. " " " " Oct. 15th, 1849, (new series, No. 24.)
5. " " " " Nov. 10th, 1849, (new series, No. 26.)
6. " " " " April 17th, 1849, (No. 5, enclosure.)
7. " Comptroller " " Dec. 19th, 1849, relating to payment of Oregon Legislature, received March 10th.

No other forms are in possession of the collector except the common blanks of coastwise manifests and clearances, and registers for vessels. The forms required by the department for reporting imports and tonnage, making entries, &c., crew lists, bills of health, licenses and enrolments were never delivered to him, nor were any instructions given as to keeping and rendition of his accounts. In fact he was obliged to proceed with such dispatch, that no time was afforded properly to collect the material. The safe, as I mentioned in a previous letter, was sent out, together with a set of scales, measures, an office press and seal, but the keys did not correspond, and the safe has never been opened.

With every disposition to conform to the requisitions of law, and to proper official forms, a want of sufficient information, as well as the difficulties of a position in a country affording so few facilities as Oregon,

have undoubtedly prevented their strict observance. As far as possible these will be remedied as your instructions are received.

A letter from Mr. Thurston mentions that no communication whatever had been, up to December, received from this office, nor any accounts. The accounts of the quarters ending with June and September, were, I am informed by the collector, duly forwarded, and that of January was enclosed by myself. I have written to the first comptroller that duplicates would be sent with those of the current quarter.

I have the honor to be, sir, your obedient servant,

GEORGE GIBBS,

*Deputy Collector.*

Hon. W. M. MEREDITH,

*Secretary of Tr'y.*

DEPARTMENT OF THE INTERIOR,

*Washington, May 20th, 1850.*

SIR: In compliance with your directions, I have the honor to lay before you, herewith, copies of all such papers on file or under the control of this department, as are called for by the resolutions of the Senate of the 9th inst., they being all in reference to the subject of the 4th of such resolutions.

I have the honor to be, sir, with much respect,

Your obedient servant,

T. EWING, *Secretary.*

To the PRESIDENT of the United States.

OFFICE OF THE MARSHAL OF THE U. S.

*For Oregon Territory, June 1st, 1849.*

SIR: By the accompanying proclamation of Governor Lane, you will see that the times and places for holding the district courts of the United States in and for this territory have been fixed; and as I have never yet been furnished with any funds whatever, I take occasion to make the following requisition upon you.

For the expenses of the next term of the courts for the several counties of Linn, Champoege, Clackamas, Vancouver, Benton, Polk, Yamhill, Tuality, and Clatsop, there will be wanted the following sums, to wit:

For the fees of witnesses, . . . . .	\$450.00
" " " " Jurors, . . . . .	900.00
" District Attorney's fees in criminal cases, . . . . .	180.00
" Clerk's fee in criminal cases, . . . . .	270.00
" Marshal's travel fee in attending said courts, . . . . .	100.00
" Fuel, lights and stationery, . . . . .	225.00
" Criers and assistants to the marshal, . . . . .	270.00
" Expenses of prisoners, . . . . .	135.00
" Miscellaneous expenses, . . . . .	235.00

Sum now actually needed, . . . . . \$2755.00

You are requested, therefore, to draw on the treasurer your warrant for this latter sum, and cause the amount to be remitted to me, to be used in defraying necessary expenses of courts.

Respectfully, your obedient servant,

JOSEPH L. MEEK,

*U. S. Marshal.*

To the Secretary of the Treasury.

### PROCLAMATION.

*By the Governor of the Territory of Oregon.*

In pursuance of an act of Congress, approved August 14th, in the year of our Lord one thousand eight hundred and forty-eight, "to establish the territorial government of Oregon :"

I, Joseph Lane, governor of the territory of Oregon, do hereby declare and make known that the territory is for the present divided into three judicial districts, as follows, to wit :

The counties of Linn, Champoege, Clackamas, and Vancouver shall form and constitute the first judicial district, the counties of Benton, Polk, Yamhill, Tuality, and Clatsop the second, and the county of Lewis will compose the third judicial district. The Hon. William P. Bryant, chief justice of the said court, is hereby assigned to the first judicial district ; and the Hon. O. C. Pratt, one of the associate justices of said court, is hereby assigned the said second district.

And the courts in the several counties in the first judicial district shall be commenced and held as follows : In the county of Linn, at the town of Albany, on the first Monday in August next, and on the first Mondays of April and September annually thereafter ; in the county of Champoege, at the town of Salem, on the second Monday of August next, and on the second Mondays of April and September annually thereafter ; and in the county of Clackamas, on the third Monday in August next, at Oregon city, and on the third Mondays of April and September annually thereafter ; and in the county of Vancouver, at Vancouver, on the fourth Monday in August next, and on the fourth Mondays of April and September thereafter. And the court shall sit six days in each of the above-named counties, if the business thereof requires it.

And the courts in the several counties in the said second judicial district shall be commenced and held as follows : In the county of Benton, at the house of J. C. Avery, on the first Monday in September next, and on the first Mondays of May and October annually thereafter ; in the county of Polk, at the Jefferson Institute, on the second Monday of September next, and on the second Mondays of May and October annually thereafter ; in the county of Yamhill, at the town of Lafayette, on the third Monday in September next, and on the third Mondays of May and October annually thereafter ; in the county of Tuality, at the town of Portland, on the fourth Monday in September next, and on the fourth Mondays of May and October annually thereafter ; and in the county of Clatsop, at the town of Astoria, on the first Monday in October next,



and on the first Mondays in June and November annually thereafter. And the court shall sit six days in each of the above-named counties, if the business thereof requires it.

Given under my hand, at Oregon City, Oregon Territory, May 23d, 1849.

JOSEPH LANE.

OFFICE OF THE MARSHAL OF THE UNITED STATES,  
For Oregon Territory, Oct. 21st, 1849.

SIR: For the expenses of the next spring term of the district courts for the several counties of Linn, Marion, Clackamas, Clarke, Benton, Polk, Yamhill, Washington, Clatsop and Lewis, there will be wanted the following sums, to wit:

For the fees of witnesses, . . . . .	\$450 00
" " jurors, . . . . .	900 00
" District Attorney's fees in criminal cases, . . . . .	300 00
" Clerk's fees in criminal cases, . . . . .	270 00
" Marshall's travel fee, in attending said court, . . . . .	100 00
" Fuel, lights and stationery, . . . . .	225 00
" Criers and assistants to the marshal, . . . . .	270 00
" Expenses of prisoners, . . . . .	135 00
" Miscellaneous expenses, . . . . .	225 00

Sum now actually needed, . . . . . \$2,875 00

You are requested, therefore, to draw on the treasurer your warrant for this latter sum, and cause the amount to be remitted to me, to be used in defraying necessary expenses of courts.

Respectfully, your obedient servant,

JOSEPH L. MEEK,  
U. S. Marshal.

To the Solicitor of the Treasury.

MARSHAL'S OFFICE, OREGON CITY,  
Oregon Territory, October 24, 1849.

SIR: The following sums of money have been anticipated, and will be necessary for the expenses of defraying the costs and charges incident to the holding of the Supreme Court of the United States for the territory of Oregon, to wit:

Rent of room for the court one year, . . . . .	\$225 00
Furniture, tables, chairs and carpetting, &c., . . . . .	320 63
Locks, repairs, &c., . . . . .	18 00
Records and stationery, and seal, . . . . .	50 00

Whole sum, . . . . . \$613 63

You are requested, therefore, to draw on the treasurer your warrant for the latter sum, and cause the amount to be remitted to me, to be used in defraying necessary expenses of the court.

Respectfully, your obedient servant,

JOSEPH L. MEEK,  
U. S. Marshal.

To the Solicitor of the Treasury.

OFFICE OF THE MARSHAL,  
For the Territory of Oregon, October 22, 1849.

SIR: In my draft on your department for the funds necessary to discharge the expenses incident to the district courts of the United States for this territory, under date of this first day of June, 1849, I did not include the county of Lewis, as that county was set apart as the district No. 3 by the proclamation of the governor of the territory, and no judge having appeared to preside in said district, it was presumed that no funds would be required for that purpose; since which time, however, the legislative assembly, by an act bearing date the day of September, 1849, placed the said county in the first judicial district, and directed that the judge of that district should hold a court in said county of Lewis, on the 1st Monday of October inst.; and the following expenses have been incurred in holding said court, which I have not the means of defraying, and not having drawn for them, will not have until received, to wit:

Marshal's fees, travelling to court, 400 miles, . . . . .	\$40 00
Three days' attendance upon court, . . . . .	15 00
Summoning grand jury, . . . . .	20 00
"    petit jury, . . . . .	20 00
One bailiff's fees, three days at \$3, . . . . .	9 00
First assistant's "    "    at \$2 50, . . . . .	7 00
Witnesses' fees and mileage, . . . . .	11 50
For erecting scaffold, coffins, &c., for two Indians convicted for murder, . . . . .	20 00
For per diem of grand and petit jurors and travelling expenses, . . . . .	630 25
For fee allowed by the court to district attorney appointed by the governor to prosecute six Indians tried for murder, . . . . .	250 00
For fee allowed by the court to David Stone, Esq., an attorney at law, appointed by the court to defend the said Indians, . . . . .	250 00
Clerk's fees, and per diem. . . . .	15 00
Stationery, . . . . .	10 00
For crier of court, . . . . .	9 00
For interpreters to the court allowed by the court, . . . . .	25 00
<hr/>	
Sum now actually needed, . . . . .	\$1,332 25

You are requested, therefore, to draw on your treasurer your warrant for this latter sum, and cause the amount to be remitted to me, to be used in defraying necessary expenses of court.

Respectfully, your obedient servant,

JOSEPH L. MEEK,  
U. S. Marshal.

To the Solicitor of the Treasury.

DEPARTMENT OF THE INTERIOR,  
Office Indian Affairs, May 20th, 1850.

SIR: In reply to the last clause of the Senate resolution of the 9th instant, a copy of which was referred to this office on the 17th, requesting that the President of the United States shall furnish to the Senate,

"whatever intelligence may have been received in the executive department, respecting the condition of civil affairs in the Oregon Territory." I have the honor to send herewith, the only document on file, in this branch of the Department of the Interior, at all pertinent to the enquiry, being the last and only report received from the late Governor Lane, ex-officio superintendent of Indian affairs, for that Territory.

No official communication has yet been received from any Indian sub-agent in Oregon.

Very respectfully, your obedient servant,  
ORLANDO BROWN, *Commissioner.*

HON. T. EWING,  
*Secretary of the Interior.*

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*To the Hon. the Secretary of War, or the Commissioner of Indian Affairs.*

SIR: I have the honor to report, that soon after my arrival here, and as soon as it was known among the numerous tribes of Indians bordering the settlements, that the Governor had arrived, they flocked in; chiefs, head-men, warriors, and, in many instances, entire bands, expecting presents, making known that the whites had promised, from time to time, that when the laws of the United States were extended over Oregon, the Governor would bring them blankets, shirts, and such other articles as would be useful to them. At this time, I had received neither money nor instructions from the Indian Department, and consequently was unprepared to give them anything. Although they felt disappointed at not receiving presents, they evinced a feeling of friendship towards us, and generally expressed a desire to sell their possessory rights to any portion of their country, that our government should wish to purchase.

Early in April I received ten thousand dollars, (one hundred and sixty dollars less cost of transportation) a portion of which I have used for Indian purposes.

Having no assistance, neither agents nor sub-agents, I found it necessary to visit in person many of the tribes in their own country. In the month of April, I proceeded to the Dales of the Columbia, called together the tribes and bands in that vicinity, including the Des Chutes river and Yacamaw Indians: held a talk with them, made them some presents to the amount of near two hundred dollars, and had the gratification, at the request of the chief of the Yacamaws to bring about a peace between that tribe and the Walla-wallas, who were at that time engaged in war.

These tribes, I was pleased to find, were friendly and well disposed towards us, and like the tribes bordering the settlements, anxious to sell their lands.

Early in the month of May I received information of the murder of Wallace, at Fort Nesqually, on Puget's sound, by the Sno-qualimick and Skey-whamish Indians, and that the few American settlers in that country were much alarmed for the safety of their families, hourly expecting to be attacked by the Indians, who had threatened to destroy the settlements. At that time there were no troops in the country, except some eight men under Lieut. G. W. Hawkins, of the Rifles.

I at once concluded to visit the sound, and assist in putting the settlers in the best possible condition to resist an attack, there being only ten families in that section of the country.

I accordingly proceeded, in company with Lieut. Hawkins and five men, taking with me muskets and ammunition to place in the hands of the settlers; fortunately, the day after my arrival at the sound I received an express from Major Hathaway, notifying me of his arrival at Fort Vancouver, with two companies of the 1st artillery, and of his readiness to move, if his services were required.

I hastened to inform the Indians, through Dr. Solmie, who has charge of the Hudson Bay Company Fort at Nesqually, of the arrival of our forces for the purpose of preventing further outrage until the troops could move in that direction.

A copy of my letter to Solmie is here given.

*New Market, May 17th, 1849.*

WILLIAM F. SOLMIE, Esq.,

*Nesqually.*

SIR: I have just learned by express that two companies of artillery have arrived at Vancouver, by the United States steamer Massachusetts.

It was my intention to visit you at the Fort; but owing to this fact, I have deemed it necessary to return without delay. I have therefore to make the particular request of you, not to furnish the Indians with ammunition, and to ask of you the favor to cause the hostile tribe, who have committed the outrage, to be informed that any repetition of the like conduct will be visited promptly with their complete destruction: that our force, which will be immediately increased, is at this time amply sufficient for an immediate expedition against them, and that the moment I am informed that any injury has been committed by them upon our people, they will be visited by sudden and severe chastisement.

By making this communication to them, you will greatly oblige,

Your obedient servant,

(Signed)

JOSEPH LANE.

When I wrote to Dr. Solmie, it was my intention, in the event that Major Hathaway should establish a fort near Nesqually, to visit the sound, have an understanding with the major, get his co-operation, and make a demand upon the chiefs of the above mentioned tribes for the guilty persons, to be tried and punished for the murder of an American citizen, according to law. But soon after my return, about the middle of June, I received instructions, bearing date, war department, office of Indian affairs, August 31st, 1848, also, information of the appointment of J. Quinn Thornton, George C. Preston and Robert Newell of Oregon, sub-agents, to be employed and reside in that territory, and requiring the performance of certain duties therein specified.

It was intended that these instructions should reach me at St. Louis, on my way out, but failed so to do, and were afterwards sent to California by Lieut. Beale, which accounts for their delay in reaching me.

Before their instructions came to hand I had seen most of the tribes and bands bordering the settlements, collected such information as I supposed would be useful, and made such small presents (per accounts and vouchers) as in my judgment were necessary to conciliate their good will.

I promptly handed to Thornton and Newell their appointments, they

executed their bonds and took the oath required, as will be seen by their bonds, which have been forwarded. Mr. Preston was then and is now absent from the territory, and it is supposed will not return. I therefore, of necessity, divided the territory into two sub-agency districts, and assigned J. Quinn Thornton to that part of the territory of Oregon, lying north of the Columbia river, and Newell to the south of the Columbia, and on the 28th day of June, the above sub-agents were furnished with their instructions touching the points embodied in said communication.

As I am anxious in this report to give a true and reliable statement of facts, just as they are, that the government may be placed in possession of a true history of our Indian affairs in Oregon, and as both the sub-agents have submitted lengthy reports, it will not, I hope, be considered improper for me to mention—

First, that Mr. Newell is an old mountaineer, having spent ten years in the mountains, (from 1829 to 1839,) where he followed trapping, by which means he acquired a good knowledge of the tribes and of the country; from 1839 to the present time he has resided within the district to which he is assigned to duty, and has become well acquainted with the Indians in the valley of the Willamette, speaks tolerably well the tongue of several of the tribes, and from his knowledge of the Indians and their country, without visiting them or travelling over the country, has made out and submitted his report, from which I make such abstracts as in my opinion are of sufficient importance to entitle them to your consideration.

“The *Shoshonee* or *Snake Indians* inhabit a section of country west of the Rocky Mountains, from the summit of these mountains, north along Wind river mountains to Henry’s Fork, down Henry’s Fork to the mouth of Lewis or Snake river, down the same to about forty miles below Fort Hall, thence southerly to the Great Salt lake, thence easterly to the summit, by way of the head waters of Bear river. These Indians are divided into small bands, and are to be found scattered in the mountains, and are called Diggers. They are not hostile, and are poor and miserable. Small bands of this tribe are scattered from the head-waters of Snake river to the Grand Round—a distance of four or five hundred miles. It is almost impossible to ascertain their exact number. The main band numbers about seven hundred. The total number of the entire tribe is about two thousand. They subsist principally upon fish, roots, grass, seed, &c., they have a few horses, are indifferently armed, are well disposed towards the whites, and kill but little game; but little of their land is susceptible of cultivation, with the exception of that portion now occupied by the Mormons.

The *Ponashita* Indians occupy a large district of country south of Snake river, from forty miles below Fort Hall to the Grand Round, south in the direction of Salt Lake, and west toward the California mountains. This tribe is divided into small bands, and are so intermarried with the Shoshonees that it is almost impossible to discriminate between them. The Ponashitas predominate however. They are a warlike people, are poor, have a few arms, and live principally by hunting and fishing. They number about eighty warriors, total, five hundred and fifty.

The *Coutenay* Indians live partly in the British possessions and partly in Oregon territory. That portion of the tribe being in this territory



comprise about four hundred souls, of whom one hundred are capable of bearing arms, which they procure from the Hudson Bay Company. They have but little land fit for cultivation, live by hunting, and have many horses. Although they have no mission they frequent the Calespelins, by which means they derive some instructions from the Catholic missionaries there; total number four hundred.

The *Salisk* or *Flat Head* Indians occupy from Bitter Root river, a fork of the Columbia, all the country drained by that stream down to what is called the Hell Gate, a distance of probably one hundred and fifty miles. This country is narrow and broken, but little of it suitable for cultivation. Total number about three hundred and twenty, of whom one hundred are warriors. They till the soil in small quantities on Bitter Root river, under the direction of the Jesuit mission, have horses and cattle, are not inclined to rove, and are a brave and noble race, friendly to the whites. They are well armed, and hunt buffalo annually; three hundred and twenty.

The *Calespin* Indians are in two bands, and occupy a large portion of country, commencing below the *Salisk* tribe and extending to near Fort Colville, and north-east among the lakes. They number over twelve hundred. One of these bands has small spots of good land, where they raise peas, potatoes, &c., they also have some horses, cattle and fine hogs; are friendly and brave, indifferently armed, and live on fish, roots, game, &c. They hunt buffalo. There is a Catholic mission in their country. They number about four hundred and fifty warriors. Total number twelve hundred.

The *Ponduras* or *Squiaelps* occupy the country east of Colville: are poor, friendly, tolerably well armed, and annually hunt buffalo. They number about 1,200, of whom 450 are warriors. Total 1,200.

The *Kettle Falls* or *Colville* Indians, live between the Calespelin tribe and Fort Colville, above the small lakes; are divided into two bands; their total number amounting to 800, 100 of whom are warriors; they have a few horses, no cattle, badly armed, well disposed, and live on fish and roots. There is a Catholic mission in their country; they have some good lands, which are mostly occupied by the Hudson Bay Company. Total; 800.

The *Cœur d'Helene*, or *Pointed Hearts*, live between the Spokans and Calespelin; their country is very fertile, and under the direction of the Catholic mission, they cultivate the same; they live on fish, roots, and small game; they have some few arms, and are friendly; number 500, of which forty are warriors.

The *Spokan* tribe occupy the country between Fort Colville and Sa aptin; they are divided into many bands, who are all friendly; they number about 1000. Previous to the Waillatpue massacres, they had a mission among them, from which they received much information, but it is now vacated. They have been accustomed to receive small presents from the Hudson Bay Company; they are well armed, and live on buffalo, fish and roots. Total number, 1000.

The *Onkinigans* inhabit the country north of Fort Colville; are well armed, and number about 700. They are well disposed toward the whites.

The *Sempoils* live on the Columbia, near the Kettle Falls; are well

disposed, but very poor; they number about 500, have some horses, and a few guns; they subsist on fish, roots, &c. &c.

The *Neckpercie* inhabit a large portion of country on the Snake, Clearwater, and Salmon rivers; they are an intelligent and good people, and have very numerous herds of horses and cattle; a portion of their country is very good, on which they raise a variety of vegetables, &c. They are kind to our people, and are well armed; there has been a Presbyterian mission among them; the total number of the tribe is estimated at about 1,500, some 400 of whom are warriors, more or less under the influence of the Hudson Bay Company.

The *Paloas* Indians inhabit a section of country north of the Cayuse tribe, and number about 300; they have some horses and cattle, are much scattered, indifferently armed, hunt buffalo, but live principally upon fish, roots, and small game; they are a quiet people, but are not fond of the Americans; to some extent under the influence of the Hudson Bay Company.

The *Cayuse* Indians inhabit the country from the foot of the Blue Mountains to within 25 miles of Walla-Walla; they are a proud, haughty, and overbearing people, as also very superstitious; they have large herds of horses and cattle, and live on fish, roots, berries and game; they are well armed, and are, through fear, on amicable terms with the whites; their band consists of about 800, 200 of whom are warriors.

The *Walla-Walla* Indians possess the country on the Columbia, near Fort Walla-Walla; have large herds of horses and cattle, and are well armed and friendly to the whites. They number 1,000; they cultivate their soil in small quantities, but live principally on fish, roots and berries. They are considerably under the influence of the Hudson Bay Company.

The *Des Chutes* Indians are a part of the *Wascopaw* tribe, and live upon a river of that name; their country is poor, high, broken, sandy and barren, yet it affords good grazing, their stock being in good order the year round. They are very poor, have but few arms, are well disposed, and number about 300. They live on fish and berries.

The *Wascopaw* Indians number about 200, and live on the east side of the Cascade mountains; their soil is not good, and they have no disposition to cultivate what they have; they are poor and thievish, and live on fish, roots and berries. There is a Catholic mission among them. They are indifferently armed, and friendly to the whites.

The *Mole Alley* Indians range in the Cascade mountains, and claim no land in the valley. Their whole number is about 100, 20 warriors. They are a brave and warlike people, and not fond of the Americans. They are well armed and live principally by the chase.

The *Clackamas* Indians live upon a river of that name, which empties into the Willamette one mile below Oregon city. They number about 60, and are considered industrious; they have but few arms, and are friendly; they live on fish and roots.

The *Willamette* Indians live upon the east side of the river of that name, near the falls; they are an inoffensive people, have but very few arms, and number in all about 20. The Willamette falls afford them a fine fishery.

The *Chickitats* claim a small tract of land at the head of the Willamette valley, on west side of that river. They own quite a number of

horses, are well armed, brave and warlike, but on good terms with the whites. They live principally by the chase; number about 180, of whom 85 are warriors.

The *Calipoa* Indians are found on either side of the Willamette river. They are a degraded, worthless, and indolent people; they are poorly armed, and entirely inoffensive; they live on fish, roots and berries; they number about 60.

The *Snalatin* Indians occupy that portion of the country west of the Willamette river, from its mouth to the mouth of the Yam Hill, a distance of sixty miles, thence west to the coast range of mountains. They number about sixty souls, 30 of whom are warriors. They are a degraded, mischievous, and thievish set; they have but few arms.

The *Yam Hill* Indians are a small tribe who claim the country drained by a river of that name, which is mostly taken up by the whites. They are poor, have a few horses, are poorly armed, and are well disposed. They number about 90, of whom 19 are warriors.

The *Suck-a-mier* Indians claim all the country drained by a stream of that name, west of the Willamette, and south of Yam Hill rivers. They are a part of the *Calipoa* tribe, and number 15 in all, of whom five are warriors; they are friendly to the whites, very poor, and have greatly diminished in the last few years. Their soil is good, and is mostly taken up by the whites. They live on fish, roots, &c.

The *Ump-quá* Indians occupy a valley of that name, and are much scattered; they live in small bands, are poor, well disposed, well armed and live by the chase, as also on fish, roots, &c.; they number about two hundred.

The *Killamuck* Indians inhabit the coast range of mountains, a long stretch of country interspersed with small prairies. They are not friendly to the whites. They number about two hundred.

The *Clat-sa-Canin* Indians inhabit a part of the range along the coast to the Columbia river, north of the Killamucks and to the coast. They number about 300.

The *Clatsop* Indians claim a section of country on the south side of the Columbia, at its mouth, from Cape "Look-out" on the coast to Astoria. Subsist principally on fish. They are intelligent and friendly, and much inclined to dissipation. There are but few of this tribe left; about fifty is the extent of their number. The whites occupy all their prairie lands.

The *Catelamet* Indians claim the country on the Columbia river, from Astoria about thirty miles up the river. Fifty-eight are all that are left of a once large band. They are a good people; have no land susceptible of cultivation; subsist upon fish, and are quite poor.

The *Caloort* tribe claim the country above the *Catelamet* tribe to Oak Point on the Columbia river; they possess no land suitable for agricultural purposes; they are poor; number about 200, and subsist on fish, roots and fowls. They have a few arms.

The *Wakamucks*, *Namanamin* and *Namoit* are bands and parts of bands that claim the country from Oak Point to the mouth of the Willamette, including Wyath's island. They have become so reduced, that they have united, and now live together, or near each other; number not known.

Second, Mr. Thornton resides in this city, where he received his instructions on the day above mentioned, and was urged to proceed to the

discharge of his duty. On the 30th of July he left this city for Puget's Sound, where he remained for a short time. He saw some of the Indians, and made them a few presents. From Dr. Solmie, chief trader of the Hudson Bay Company, at Fort Nesqually, he received such information relative to the Indians and their country, as he has embodied in his report. He returned to this city in August, and submitted a statistical report, giving the name and number of each tribe, their habits, disposition, &c. From this report, aided with a knowledge of the Indians and their country obtained on my visit to the sound, and from such information as I have gathered from the Indians in that section, many of whom have visited me, I have made this portion of my report, which is as correct as it could be made within the time given. Mr. Thornton, in his report, omits to mention of horses, property, and arms of any of the tribes, but as I have been among several of them, and knowing them to be well armed, have made a statement accordingly.

The *Makaw* or *Cape Flattery* Indians, occupy the country about Cape Flattery and the coast for some distance southward and eastward to the boundary of the Haalum and Nootlalum lands; number not ascertained, but supposed to be 1,000; warlike, disposition toward the whites not known; live by fishing and hunting.

The *Nooselalum* Indians occupy the country about Hood's Canal, Dungeness, Port Discovery and coast to the westward. Total number about 1,400, of whom 200 are warriors; disposition not known; they raise a few vegetables, but subsist principally by hunting and fishing.

The *Snoquamish* Indians occupy the country about Port Orchard, west side of Whidly's Island. Total number about 300; well disposed; live by fishing and labor; they have a few horses.

The *Homamish*, *Hottimamish*, *Squah-sin-aw-mish*, *Sayhaynamish* and *Stitchafsamish* Indians occupy the country from the narrows along the western shore of Puget's Sound; friendly and well disposed; total number about 500; subsist by labor and fishing.

The *Twanoh* and *Skokomish* Indians live along the shore of Hood's Canal; number about 200; friendly and well disposed; subsist by labor and fishing.

The *Squallyamish*, *Puallipamish* and *Sinnamish* Indians live about Nesqually, Puallip and Sinnamish rivers; number about 550; friendly and well disposed; live by labor and fishing.

The *Sinhamish* Indians live on a river of that name, and southern extremity of Whidly's Island; total number about 330; friendly and well disposed; live by labor and fishing.

The *Snoqualamick* Indians live on the Snoqualamick river, a south branch of the Sinhamish; total number about 350; warlike; inclined to be hostile; live by fishing and hunting; well armed, and have a few horses.

The *Skeywhamish* Indians live on the Skeywhamish river, a north branch of Sinhamish; total number about 450; have some arms; disposition doubtful; live by fishing and hunting.

The *Skagats* live on the Skagat river down to the ocean, toward the north end of Whidly's Island; total number about 500; friendly and well disposed; live by farming and fishing.

The *Nooklulymic* Indians live about Ballingham's Bay; total number

about 220 ; warlike ; disposition to the whites not known ; live by hunting and fishing.

The *Cowlitz* Indians live on the Cowlitz river from its mouth to the settlements. They number about 120, they have a few arms ; are well disposed, have a few horses, and live by hunting and fishing.

The *Chenooks* live at Baker's Bay, total number about 100, but few guns ; friendly to the whites, live by hunting and fishing.

The *Quenoil* and *Chehaylis* tribes live on the Chehaylis river ; total number about 300 ; well disposed, live by hunting and fishing.

The *Kathlemit*, *Konick* and *Wakanasceces* Indians live about Kathlind, Oak Point, and the fisheries upon the Columbia River, opposite the upper mouth of the Willammette, total number about 150, they are friendly and well disposed, live by hunting and fishing, and on roots.

The *Tilhiellewit* Indians live about the Dales on the north side of the Columbia river ; total number about 200, live by hunting and fishing, and are friendly.

The *Wyampaw* Indians live about the falls of the Columbia river, north side, total number about 130, warlike ; well disposed towards the whites ; live by hunting, fishing, and on roots.

The *Yacamaw*s live on the Yacamaw river between the dales of the Columbia and the coast. This tribe are related to the Clicketats, who occupy the country north of the Columbia in the vicinity of Mount St. Helens. Total number of all about 1500 ; warlike, well disposed toward the whites ; have many horses, live by hunting and fishing. There is a Catholic mission among them.

The *Piscahoose* Indians live on a river of the same name, total number about 350 ; warlike, well disposed toward the whites ; live by hunting and fishing.

I here take occasion to introduce extracts from Mr. Thornton's report, in relation to his course in the affair of the murder of Wallace by the Snoqualimick Indians.

"On the 7th ult. I arrived at Fort Nesqually. I immediately proceeded to investigate the facts connected with the killing of Mr. Wallace. "I sent messengers to Haughtickymm, head chief of the Snoqualimick tribe ; I advised him to arrest the offenders and deliver them over to Captain B. H. Hill, and as an inducement offered him eighty blankets as a reward, if this were done in three weeks. I authorized Captain Hill, of the 1st Artillery, to double the reward, and to offer it in my name, as sub-agent, if the murderers were not delivered up in the three weeks."

In my instructions to Mr. Thornton, I said nothing about the murder of Wallace, nor did I intend that he should interfere in the premises, as it was my intention, on the arrival of the troops at Nesqually, to visit the Sound, and demand the murderers, and make the Indians know that they *should* give them up for punishment, and that hereafter all outrages should be promptly punished ; being well satisfied that there is no mode of treatment so appropriate as prompt and severe punishment for wrong doing. It is bad policy, under any consideration, to hire them to make reparation for the reasons, to wit : first, it holds out inducements to the Indians for the commission of murder, by way of speculation, for instance, they would murder some American, await the offering of a large reward for the apprehension of the murderers ; this done, they would



deliver up some of their slaves as the guilty, for whom they would receive ten times the amount that they would otherwise get for them.

Second—It has a tendency to make them underrate our ability and inclination to chastise by force, or make war upon them for such conduct, which, in my opinion, is the only proper method for treating them for such offences.

A short time after Mr. Thornton's return to this city, I received a letter from Major Hathaway, informing me that six Indians, charged with being the principal actors in the murder of Wallace, had been brought in by the Indians of the Snoqualimick tribe, and delivered to Captain Hill, 1st Artillery, commanding the forces at Stirlacoom, near Fort Nesqually.

Chief Justice Bryant has gone to Sterlacoom for the purpose of holding a court for their trial. Although I cannot approve the policy of offering to Indians so large a reward, under any circumstances, yet, in this case it has been done, and I wrote, by Judge Bryant, to Dr. Solmie, as follows :

*Oregon City, Sept. the 24th, 1849.*

Dr. SOLMIE,

DEAR SIR : Chief Justice Bryant goes to the Sound to try the six Indians, charged with the murder of Wallace. If the Indians are found to be the guilty ones, the reward offered by the sub-agent, Mr. Thornton, must be paid. In that event, you will please hand the Indians who arrested and brought them in, the blankets promised them by the sub-agent, and forward the account for payment.

With great respect, I am, Sir,

Your obedient servant,

(Signed) JOSEPH LANE.

A few days after the Judge left for Steilacoom, Solmie forwarded his account for payment, stating that on the delivery of the six Indians, the reward of eighty blankets had been paid to the Indians who arrested and brought them in, which account I have declined paying until I can know whether they are the guilty ones.

It will be seen that there are within the territory of Oregon, so far as reported, sixty-five tribes and bands of Indians ; some of them are mere bands, and will soon become extinct. Two tribes, not mentioned in the report, will be noticed hereafter. Thirty tribes or bands live north of the Columbia, and the remainder south of the Columbia.

There has been no conventional arrangements entered into between the whites and Indians, which require the action of Congress.

The Indians are scattered over the entire territory, and for the purpose of maintaining friendly relations with and proper control over them, I would respectfully recommend the following division of the territory for agency purposes, to wit :

\* An agent to be located at or near the Grand Round, for the tribes and bands living south of the Columbia, and east of the Cascade range to Fort Boise ; and a sub-agent to be located at or near Fort Hall, for the tribes between Fort Boise and the summit of the rocky mountains.

The Rogue River Indians, not above mentioned, occupy the country on

both sides of Roque River, from where the road to California crosses to the mouth of the same, and on the coast. They number some seven or eight hundred. They are a warlike and roguish people, and have lately given much trouble to small parties of our people returning from the gold mines; have succeeded in killing some, wounding some, and robbing others, by which means they have got several thousand dollars of gold, many horses, and some guns. Owing to their recent success, it is to be feared, that we will have some trouble with these Indians.

A sub-agency should be established as near this point as practicable, say on the Umpqua, for all the tribes south of the Columbia and west of the Cascade range, and a garrison of one or two companies established in their country for the protection of our people travelling in that direction.

In a recent trip which I made across the coast range of mountains I found on the Yacona bay, which is about one hundred and sixty miles south of the mouth of the Columbia, the Yacona Indians, from which tribe the bay takes its name. They live along the coast on both sides of the bay, are poor, well disposed, live principally by fishing, and number about two hundred.

There is no point in the territory where an agent is more required than at or near Puget's sound. An agency should be established there, and the agent should be promptly at his post; the Indians are numerous, and some of them inclined to be troublesome, but with the services of a good agent they could be managed and made friendly. I am inclined to think that at this time it is *not indispensably* necessary to establish any other agency north of the Columbia—the one at the sound would have charge of all the tribes on that side of the Columbia.

One interpreter to each agency will be required, whose services cannot be procured for the sum fixed by law.

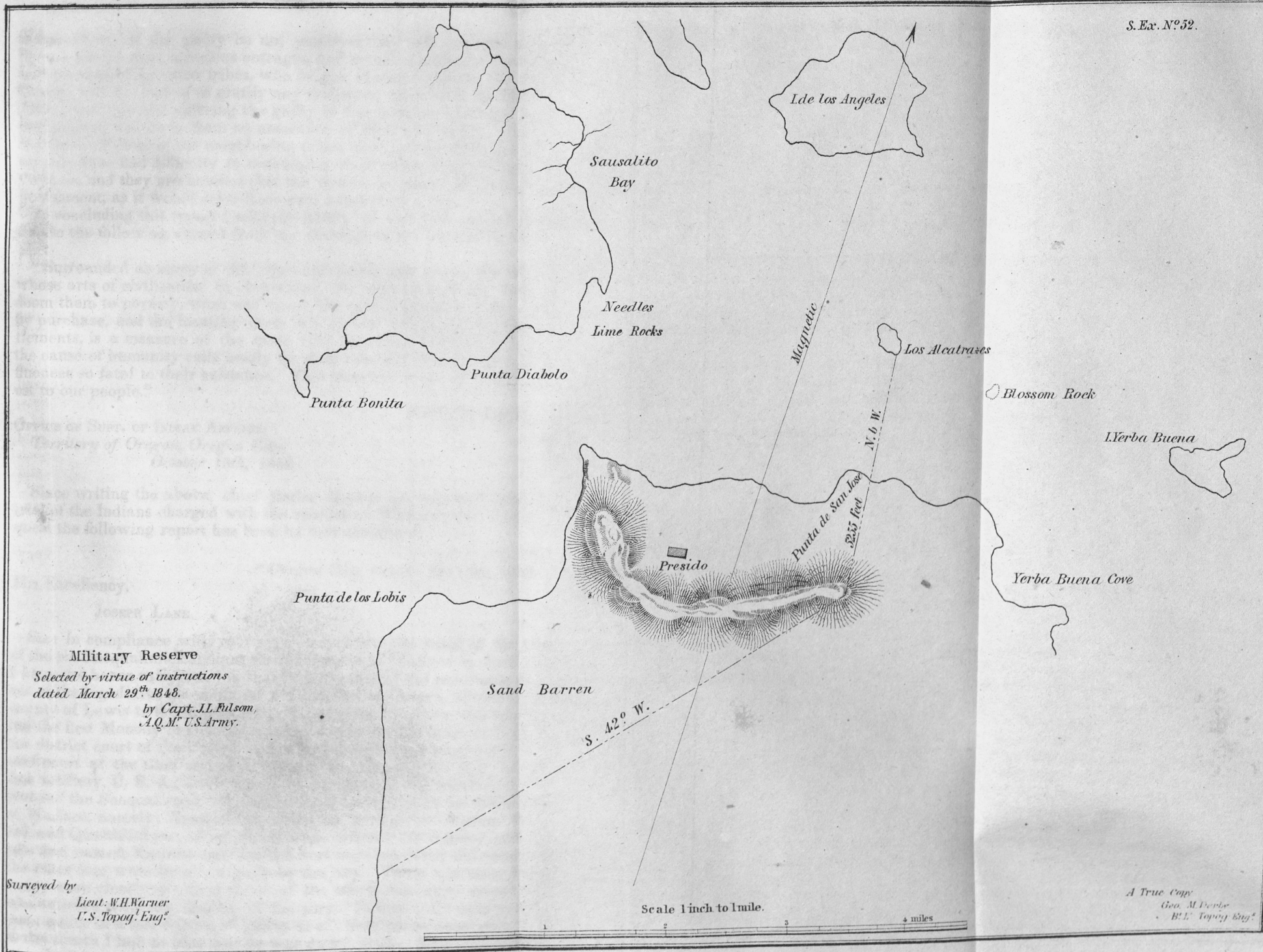
The following amount will be necessary for the erection of agency buildings and fixtures to each agency,	- - -	\$2,500.
For fuel, stationery and travelling expenses to each agency,	- - - - -	800.
For presents to the Indians, necessary to conciliate their good will—for the Indians of the Columbia \$1000; to those south of said river, \$1,500,	- - -	2,500.
For provisions for Indians visiting agencies, to each agency,	- - - - -	100.

It will be necessary to alter the law so as to raise the salary of the agents and interpreters.

You will perceive that the figures above made are above the prices heretofore fixed by the law of Congress, but from the high price of labor, provisions, etc., I feel confident that the sums set down are not too large.

I would call the attention of the department to the fact that Mr. Thornton has resigned his office of sub-agent for the second district, and Mr. Newell is absent from the territory, having gone to California; and consequently I am without an assistant.

The Cayuse nation remain unpunished for the murder of the unfortunate Dr. Whitman and his family; the eyes of surrounding nations are upon us, watching our movements in relation to this cold-blooded



massacre, and if the guilty be not punished they will construe it as a license for the most atrocious outrages, and scenes of a similar character will be enacted by other tribes, who by our example toward the guilty Cayuse will be incited to gratify any malicious spirit with the blood of Americans, and our suffering the guilty in this instance to escape a just punishment, will be to them an assurance of their own safety. Indeed, the chiefs of some of the neighboring tribes have informed me that they already have had difficulty in restraining their tribes from joining the Cayuses, and they are anxious that the murderers should be brought to punishment, as it would deter their own bands from crime.

In concluding this report I take the liberty to call your special attention to the following extract from my message to the legislative assembly:

"Surrounded as many of the tribes and bands now are by the whites, whose arts of civilization by destroying the resources of the Indians, doom them to poverty, want and crime, the extinguishment of their title by purchase, and the locating them in a district removed from the settlements, is a measure of the most vital importance to them. Indeed the cause of humanity calls loudly for their removal from causes and influences so fatal to their existence. This measure is one of equal interest to our people."

JOSEPH LANE.

OFFICE OF SUPT. OF INDIAN AFFAIRS,  
*Territory of Oregon, Oregon City,*  
*October 13th, 1849.*

Since writing the above, chief justice Bryant has returned from the trial of the Indians charged with the murder of Wallace, and at my request the following report has been by him submitted:

*"Oregon City, October the 10th, 1849.*

His Excellency,

JOSEPH LANE.

SIR: In compliance with your request to know the result of the trial of the six Snoqualimick Indians for the murder of Wallace in April last, I have the honor to inform you that in pursuance of the provisions of an act of the legislative assembly for the territory of Oregon, attaching the county of Lewis to the first judicial district in said territory, and appointing the first Monday in October at Steilacoom as the place of holding the district court of the United States for said county, I opened and held said court at the time and place appointed; Capt. B. F. Hill, of the first artillery, U. S. A., delivered to the Marshal of the territory six Indians of the Snoqualimick tribe, given up by said tribe as the murderers of Wallace, namely: Kussass, Quallahwort, Stulharrier, Jattam, Whyerk and Qualthlinkyne, all of whom were indicted for murder, and the two first named, Kussass and Quallahwort were convicted and executed, the other four were found not guilty by the jury. Those who were found guilty were clearly so; as to three of the others that were acquitted I was satisfied with the finding of the jury. It was quite evident they were guilty in a less degree, if guilty at all, than those convicted. As to the fourth I had no idea that he was guilty at all; there was no evi-



dence against him, and all the witnesses swore they did not see him during the affray or attack on Fort Nesqually.

It is not improbable that he was a slave whom the guilty chiefs that were convicted expected to place in their stead, as a satisfaction for the American murdered. Two others, Americans, were wounded badly by the shots, and an Indian child that afterward died. The effect produced by this trial was salutary, and I have no doubt will long be remembered by the tribe. The whole tribe, I would judge, were present at the execution, and a vast gathering of the Indians from other tribes on the sound, and they were made to understand that our laws would punish them promptly for every murder they committed, and that we would have no satisfaction short of all who acted in the murder of our citizens.

I learned that this tribe is the most fierce and warlike of any on the sound, and often go through other tribes in armed bands, and commit murders, take slaves and plunder. I could not find that any blame was attachable to the officers at Fort Nesqually, or the American citizens who were present.

To the end, that the trial might be conducted fairly, I appointed Judge A. P. Skinner, whom you had engaged to go out to attend to their prosecution, district attorney for the time, and ordered that he be allowed for his services \$250; and I also appointed, to defend them, David Stone, Esq., an attorney also sent out by you to defend them, and I made an allowance of record to him for \$250. This compensation I deemed reasonable. They have to travel two hundred miles from their respective homes, camp in the woods, as well as all the rest of us, and endure a great deal of fatigue in the manner of travelling in batteaux and canoes by water. Many of the grand and petit jurors were summoned at a distance of two hundred miles from their homes, and although the transportation may have cost some more to the department than bringing the Indians into the more settled district, and with them the witnesses, with a sufficient escort for protection, (which I very much doubt,) yet I have no hesitation in believing that the policy pursued here more than repaid any additional expense that may have been incurred. I directed the marshal to keep a careful account of expenses, and report the same to you, which he has doubtless done. There are not, nearer than this place in the judicial district, the requisite number of lawful jurors to the place appointed to hold the court, (which is the only American fort on the sound,) so sparsely is the country around the sound settled.

I will be glad to furnish you any further particulars if it be found necessary.

And have the honor to be, very truly,

Your obedient servant,

WILLIAM P. BRYANT.

I am clearly of opinion that the trial and punishment of the Indians, in the presence of their tribe and the other tribes and bands bordering the sound, was the true policy, and has no doubt made an impression upon their minds sufficient to deter them from similar offences. With this view of the case, on the receipt of Major Hathaway's letter informing me of the arrest of these Indians, I immediately submitted a communication to the legislative assembly from which I take the following extract:



"I have just received a communication from Major Hathaway, 1st artillery, commanding 11th military department, advising me that Capt. Hill, commanding at Steilacoom, has now in confinement six Indians of the Snoqualimick tribe, principal actors in the murder of Wallace. I am well satisfied that the trial and punishment of these guilty persons in the presence of their people, will have a good effect upon the tribes in that quarter.

"I therefore request that you will, without delay, pass an act attaching Lewis county to the first judicial district for judicial purposes; and authorize the holding of a term of said district court therein, on the first Monday in October next."

For the purpose of affording a fair, impartial and properly conducted trial, I employed Mr. Skinner to go with the court to prosecute the criminals, and Mr. Stone to defend them. The court ordered an allowance of two hundred and fifty dollars to each of them, which I have paid out of the Indian fund in my hands. I have also paid to the Indians who worked the boats for the conveyance of the court jury, one hundred and eighty dollars. The expense was necessary for the reason that there is no other mode of travel, there being no road in the direction of Puget's Sound, and consequently have to go down the Columbia to the mouth of the Cowlitz, and up that rapid stream to the settlements, and then across the country to the sound.

The total expense of holding the court at Steilacoom for the trial of these Indians, amounts to eighteen hundred and ninety-nine dollars and  $\frac{4}{100}$ . Reward of eighty blankets, four hundred and eighty dollars, making the sum total of \$2,379 54. Deduct from this sum the six hundred and eighty dollars, and the reward of four hundred and eighty, will leave a balance of twelve hundred and nineteen dollars and fifty-four cents to be paid by the marshal, as soon as he can get funds.

I have paid the amount above specified out of the Indian fund, there being no other government funds in the territory. The law of Congress appropriates a certain amount to defray the expenses of the Legislative Assembly, &c., &c., but the secretary of the treasury has not received a single cent.

The Legislative Assembly have been convened, held their session, and adjourned, without funds to pay their per diem allowance, or to print the laws.

I have observed the strictest economy in the management of our Indian affairs. I have made but few presents, and in travelling through their country on several visits, which I found it necessary to make, I have incurred but little expense.

No funds have been forwarded to the marshal, which subjects the court to great inconvenience, and operates oppressively upon the people, who have had to travel, as in the case above mentioned, a distance of two hundred miles, to serve as jurymen, and seriously obstructs the affording of that justice which the people are entitled to.

I hope you will readily allow the accounts above mentioned, to wit: To Mr. Skinner and Stone, five hundred dollars; one hundred and eighty for transportation, and four hundred and eighty for the blankets. Mr. Thornton, the sub-agent, tendered his resignation previous to the trial, and there was no person in the service of government to prosecute or defend the Indians.

Everything has been done that could be to prevent the introduction of spirituous liquor among the Indians. Notwithstanding, I have recently heard of many violations of the law by vessels coming into the Columbia, and particularly so at Baker's Bay and Astoria. One of these offenders has recently been fined by Judge Pratt, five hundred dollars, for selling liquor to Indians. It will, however, be difficult to stop the traffic, with the services of a good sub-agent, to reside in that immediate vicinity.

I would, therefore, respectfully advise the appointment of some suitable person, residing at or near Astoria to that office.

With great respect, I am, sir,

Your obedient servant,

JOSEPH LANE,

*Ex-officio Supt. Indian affairs,*

*Territory of Oregon.*

OFFICE OF SUPT. OF INDIAN AFFAIRS,  
Territory of Oregon, Oregon City,

October the 22d, 1849.

P. S. I have received no instructions from Washington, nor communication of any kind, of later date than October, 1848.

J. S.